



## Planning Committee

**Thursday, 1 November 2018 at 6.30 pm**

**Council Chamber, King George V House, King George V Road, Amersham**

### **A G E N D A**

Item

1 Evacuation Procedure

2 Apologies for Absence

3 Minutes (*To Follow*)

To approve the minutes of the Planning Committee held on 4 October 2018.

4 Declarations of Interest

5 Items for Noting

5.1 New Planning and Enforcement Appeals

5.2 Appeal Decisions

5.3 Appeals Withdrawn

5.4 Permission/Prior Approval Not Needed

5.5 Withdrawn Applications

5.6 Information Regarding Planning Applications to be Determined

6 Report on Main List of Applications (*Pages 1 – 130*)

Chalfont St Peter

CH/2017/2258/FA

Ward: Chalfont Common

Page No: 3

Recommendation: Defer-minded to approve subject to the prior completion of Legal Agreement. Decision delegated to Head of Planning & Economic Development

Site at National Society For Epilepsy (Phase 3), Chesham Lane, Chalfont St Peter, Buckinghamshire, SL9 0LE

Chalfont St Peter

CH/2018/0019/FA

Ward: Austenwood

Page No: 27

Recommendation: Conditional Permission

Thorpe House School, 29 Oval Way, Chalfont St Peter, Buckinghamshire, SL9 8QA

Penn

CH/2018/0825/FA

Ward: Penn and Coleshill

Page No: 41

Recommendation: Conditional Permission

Kerns, 11 Woodlands Drive, Knotty Green, Buckinghamshire, HP9 1JY

Chenies

PL/18/2195/FA

Ward: Ashley Green Latimer And  
Chenies

Page No: 49

Recommendation: Conditional Permission

Land at New House Farm, Farm Road, Chorleywood, Buckinghamshire, WD3 5QB

Little Chalfont

PL/18/2249/FA

Ward: Little Chalfont

Page No: 58

Recommendation: Refuse permission

Little Chalfont Village Hall, Cokes Lane, Little Chalfont, Amersham,  
Buckinghamshire, HP7 9QB

Chalfont St Peter

PL/18/2993/FA

Ward: Gold Hill

Page No: 69

Recommendation: Conditional Permission

Thurlands, Grove Lane, Chalfont St Peter, Gerrards Cross, Buckinghamshire, SL9  
9JU

Great Missenden

PL/18/3179/FA

Ward: Prestwood And Heath End Page No: 73

Recommendation: Conditional Permission

10 Strawberry Close, Prestwood, Great Missenden, Buckinghamshire, HP16 0SG

7 Exclusion of the Public (if required)

To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

**Note:** All reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

## **Membership: Planning Committee**

Councillors: D Phillips (Chairman)  
M Titterington (Vice-Chairman)  
J Burton  
J Gladwin  
M Harrold  
C Jones  
P Jones  
J MacBean  
S Patel  
N Rose  
J Rush  
J Waters  
C Wertheim

**Date of next meeting – Thursday, 22 November 2018**

### **Public Speaking**

If you have any queries concerning public speaking at Planning Committee meetings, including registering your intention to speak, please ask for the Planning Committee Co-ordinator 01494 732950; [planning@chiltern.gov.uk](mailto:planning@chiltern.gov.uk)

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# CH/2017/2258/FA

Site at National Society For Epilepsy (Phase 3), Chesham Lane  
Chalfont St Peter, Buckinghamshire SL9 0LE



Scale: 1:1,600

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Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578 2016



# CH/2018/0019/FA

Thorpe House School, 29 Oval Way, Chalfont St Peter, Buckinghamshire SL9 8QA



Scale: 1:1,250

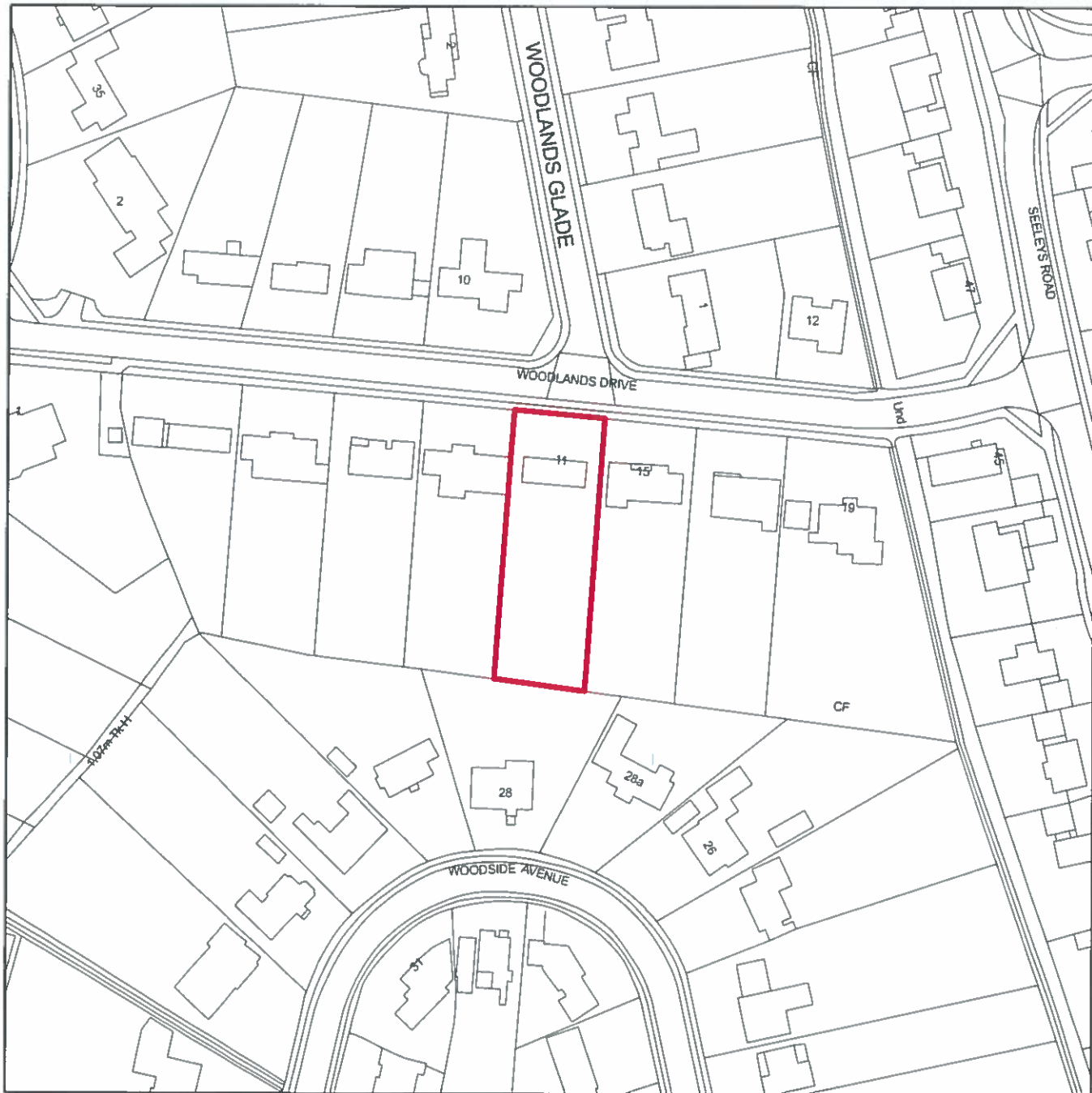
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# CH/2018/0825/FA

Kerns, 11 Woodlands Drive, Knotty Green Buckinghamshire  
HP9 1JY



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# PL/18/2195/FA

Land at New House Farm, Farm Road, Chorleywood  
Buckinghamshire WD3 5QB



Scale: 1:5,000

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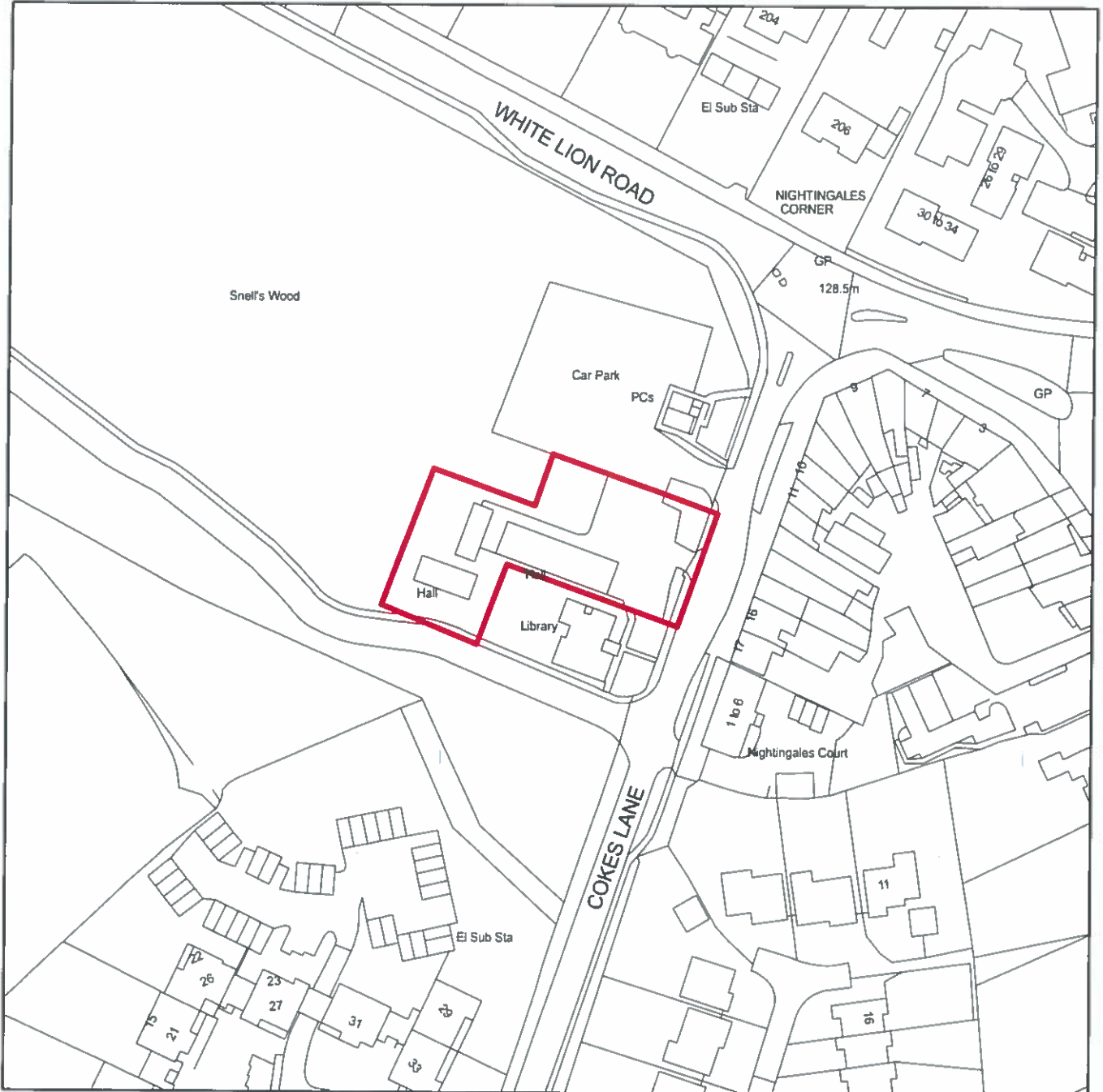
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Comments	
Date	
SLA Number	100033578.2016





# PL/18/2249/FA

Little Chalfont Village Hall, Cokes Lane, Little Chalfont  
Buckinghamshire HP7 9QB



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**PL/18/2993/FA**



**CHILTERN**  
District Council

**Thurlands, Grove Lane, Chalfont St Peter, Buckinghamshire SL9 9JU**



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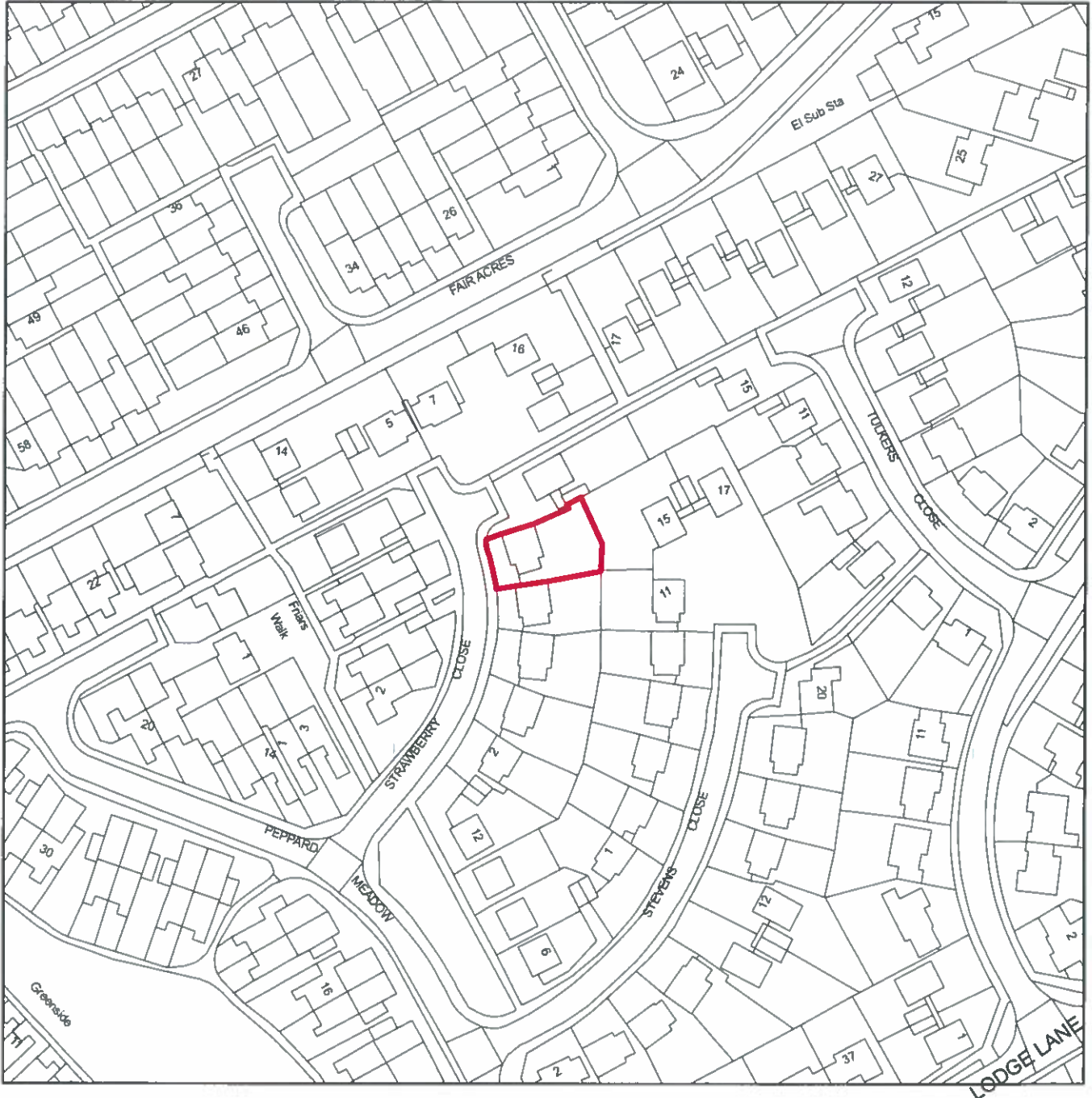
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<b>Department</b>	Planning & Environment
<b>Comments</b>	
<b>Date</b>	
<b>SLA Number</b>	100033578.2016

PL/18/3179/FA



**CHILTERN**  
District Council

10 Strawberry Close, Prestwood, Buckinghamshire HP16 0SG



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## PLANNING COMMITTEE – 1 November 2018

### REPORT OF THE OFFICERS

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

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AGENDA ITEM No. 5

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#### 5 ITEMS FOR NOTING

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##### 5.1 NEW PLANNING AND ENFORCEMENT APPEALS

CH/2018/0369/FA - Part two storey/part first floor side extension incorporating covered storage area, Dalzell, Village Way, **Little Chalfont**

CH/2018/0537/SA - Application for a Certificate of Lawfulness for a proposed operation relating to the alteration of rear pitched roof, two front roof lights and rear dormer, 84 Amersham Road, **Little Chalfont**

CH/2018/0570/FA - Two storey side and single storey rear extension, open porch to front, 160 Chartridge Lane, **Chesham**

CH/2018/0850/FA – Detached outbuilding to form garaging and store, Grey Cottage, Nairdwood Lane, **Prestwood**

CH/2018/0904/FA – Double garage, Endstead, Heath End Road, **Little Kingshill**

CH/2018/2115/FA – Carport and new access and driveway, Peshurst, Lincoln Road, **Chalfont St Peter**

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##### 5.2 APPEAL DECISIONS

**2016/00280/AB** - Appeal against the erection of two single storey rear extensions, first floor rear extension, rear dormer with Juliet balcony in the positions shown on drawing no 1004 submitted as part of application CH/2016/2142/FA, 233 Berkhamstead Road, **Chesham**

Officer Recommendation: Notice Issued

**Appeal Decision: Split Decision (12.09.2018)**

**CH/2017/0224/EU** - Application for a Certificate of Lawfulness of existing development relating to the use of land for private equestrian purposes comprising the keeping, schooling and riding of the applicants own private horses, Land Southeast of Huge Farm, Chesham Road, **Bellingdon**

Officer Recommendation: Certificate Granted in Part

**Appeal Decision: Appeal Allowed (12.09.2018)**

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

Officer Recommendation: Refuse Permission

**Appeal Decision: Appeal Dismissed (25.09.2018)**

**CH/2018/0104/FA** – Part two storey, part first floor extension, Rawdhah Academy (Former Mencap Buildings), Park Road, **Chesham**  
Officer Recommendation: Refuse Permission  
**Appeal Decision: Appeal Allowed (03.10.2018)**

**CH/2018/0354/FA** - Hip to gable roof extension incorporating front and rear dormers and rooflight to facilitate loft conversion, 15 Tylers Hill Road, **Chesham**  
Officer Recommendation: Refuse Permission  
**Appeal Decision: Appeal Allowed (10.09.2018)**

**CH/2018/0507/FA** - Part single/part two storey side extension, 1 Coat Wicks, **Seer Green**  
Officer Recommendation: Refuse Permission  
**Appeal Decision: Appeal Dismissed (13.09.2018)**

**CH/2018/0600/FA** – First floor rear extension, 33 Grimsdells Lane, **Amersham**  
Officer Recommendation: Refuse Permission  
**Appeal Decision: Appeal Dismissed (02.10.2018)**

**CH/2018/0709/FA** - Two storey side extension, first floor front and side extension and new tiled roof to conservatory, Greenleaves, 8 Beech Tree Road, **Holmer Green**  
Officer Recommendation: Refuse Permission  
**Appeal Decision: Appeal Dismissed (17.09.2018)**

**CH/2018/0771/FA** - Two storey side extension, single storey infill extension to rear, new garage and internal alterations to loft, Peterley Fourways Cottage, Wycombe Road, **Prestwood**  
Officer Recommendation: Refuse Permission  
**Appeal Decision: Split Decision (02.10.2018)**

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### 5.3 APPEALS WITHDRAWN

**CH/2017/0468/FA** – Replacement dwelling for agricultural worker, Rowan Tree Farm, Blackwell Hall Lane, **Ley Hill**  
Officer Recommendation: Conditional Permission  
Committee Decision: Refuse Permission  
**Appeal Decision: Appeal Withdrawn (13.09.2018)**

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### 5.4 PERMISSION/PRIOR APPROVAL NOT NEEDED

**PL/18/2731/FA** - Change of use of first floor to a Dental Surgery and hygienist treatment room, Dental Surgery, 123 High Street, **Amersham**

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### 5.5 CONSENT NOT NEEDED

**PL/18/2732/HB** - Listed Building Application for: Change of use of first floor to a Dental surgery and hygienist treatment room, **Dental Surgery, 123 High Street, Amersham**

**PL/18/2978/KA** - Felling of a horse chestnut tree within a Conservation Area, High Bois, 6 High Bois Lane, **Chesham Bois**

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## 5.6 WITHDRAWN APPLICATIONS

**CH/2018/0788/FA** - Replacement two storey dwelling, demolition of outbuildings, associated hardstanding, Turners Wood, London Road, **Chalfont St Giles**

**CH/2018/0815/AV** – Illuminated billboard, Land off Moor Road, **Chesham**

**CH/2018/0834/FA** - Change of use from retail unit to orthodontic dental practice (D1), Harvey Johns, 10 High Street, **Chesham**

**CH/2018/0835/HB** - Internal alterations to facilitate change of use to a specialist orthodontic practice, Harvey Johns, 10 High Street, **Chesham**

**PL/18/2046/FA** – Replacement dwelling, Salla Kee, Long Walk, **Little Chalfont**

**PL/18/2333/HB** - Installation of window (500mm x 600mm) in rear of property, 22 Church Street, **Amersham**

**PL/18/2557/FA** - Erection of three self-contained flats with new vehicular access, associated car parking and amenity areas, 2 Orchard Leigh Villas, Two Dells Lane, **Orchard Leigh**

**PL/18/2695/FA** - Demolition of outbuilding and erection of a residential annexe, Chapel Farm, Hyde Lane, **Hyde End**

**PL/18/2742/FA** - Single storey rear extension and conversion of garage into habitable accommodation, 12 Brandon Mead, **Chesham**

**PL/18/2818/FA** - Ground and first floor extension, 23 Highover Park, **Amersham**

**PL/18/2783/FA** - First and second storey side extension, demolition of existing conservatory and erection of rear extension, front and rear garage extension with balcony over garage, extension of existing front dormer and enlargement of rear dormer, relocation of garage doors and redirection of vehicular access, removal of chimney, 2 Knottocks End, **Knotty Green**

**PL/18/3055/VRC** - Variation of condition 9 of planning permission CH/2018/0255/FA (Modifications to The Beacon school car parks including additional hard standings, relocated vehicular and pedestrian entrance, landscaping and lighting.), The Beacon School, Amersham Road, **Chesham Bois**

**PL/18/2288/PNE** - Notification of proposed single storey rear extension; depth extending from the original rear wall of 6 metres, a maximum height of 3.7 metres and a maximum eaves height of 3.0 metres, 56 The Gowers, **Amersham**

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## 5.7 INFORMATION REGARDING PLANNING APPLICATIONS TO BE DETERMINED

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

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

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

**6      REPORTS ON MAIN LIST OF APPLICATIONS**

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**AGENDA ITEM No. 7**

**7      EXCLUSION OF THE PUBLIC**

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

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CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 1st November 2018

INDEX TO APPLICATIONS ON MAIN LIST OF REPORT

**Chalfont St Peter**

**CH/2017/2258/FA**

Ward: Chalfont Common

Page No: 3

Proposal: Redevelopment of part of the National Society for Epilepsy site off Chesham Lane, Chalfont St Peter, to provide an extension to the existing Audley Care Community providing 58 units of accommodation (Use Class C2) including the retention and refurbishment of Rydinghurst House, laying of hardstanding and associated landscaping. Existing 12 no. car park spaces within existing Audley Chalfont Dene site to be reconfigured

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

Decision delegated to Head of Planning & Economic Development

**Site at National Society For Epilepsy (Phase 3), Chesham Lane, Chalfont St Peter, Buckinghamshire, SL9 0LE**

**Chalfont St Peter**

**CH/2018/0019/FA**

Ward: Austenwood

Page No: 27

Proposal: New multi-purpose hall, two storey ancillary building, and additional classrooms over existing single storey wing

Recommendation: Conditional Permission

**Thorpe House School, 29 Oval Way, Chalfont St Peter, Buckinghamshire, SL9 8QA**

**Penn**

**CH/2018/0825/FA**

Ward: Penn And Coleshill

Page No: 41

Proposal: Redevelopment of site to provide a pair of semi-detached dwellings, served by new access, gates, associated amenity space and car parking

Recommendation: Conditional Permission

**Kerns, 11 Woodlands Drive, Knotty Green, Buckinghamshire, HP9 1JY**

**Chenies**

**PL/18/2195/FA**

Ward: Ashley Green Latimer And  
Chenies

Page No: 49

Proposal: Change of use of equestrian facilities to a mixed use of equestrian and canine facilities.

Recommendation: Conditional Permission

**Land at New House Farm, Farm Road, Chorleywood, Buckinghamshire, WD3 5QB**

**Little Chalfont**

**PL/18/2249/FA**

Ward: Little Chalfont

Page No: 58

Proposal: Demolition of existing buildings, erection of two-storey community centre, alteration to existing access, formation of new vehicular access and provision of cycle parking, car park, bin stores, boundary treatment and landscaping

Recommendation: Refuse permission

**Little Chalfont Village Hall, Cokes Lane, Little Chalfont, Amersham, Buckinghamshire, HP7 9QB**

**Chalfont St Peter**

**PL/18/2993/FA**

Ward: Gold Hill

Page No: 69

Proposal: Part two part single storey rear extension, single storey side extension including the rebuild of existing side extension in brickwork, fenestration alterations

Recommendation: Conditional Permission

**Thurlands, Grove Lane, Chalfont St Peter, Gerrards Cross, Buckinghamshire, SL9 9JU**

**Great Missenden**

**PL/18/3179/FA**

Ward: Prestwood And Heath End

Page No: 73

Proposal: Single storey rear extension and garage conversion.

Recommendation: Conditional Permission

**10 Strawberry Close, Prestwood, Great Missenden, Buckinghamshire, HP16 0SG**

# REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

## Main List of Applications 1st November 2018

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### CH/2017/2258/FA

Case Officer: Mr Ben Robinson  
Date Received: 07.12.2017  
Parish: Chalfont St Peter  
App Type: Full Application  
Proposal: Redevelopment of part of the National Society for Epilepsy site off Chesham Lane, Chalfont St Peter, to provide an extension to the existing Audley Care Community providing 58 units of accommodation (Use Class C2) including the retention and refurbishment of Rydinghurst House, laying of hardstanding and associated landscaping. Existing 12 no. car park spaces within existing Audley Chalfont Dene site to be reconfigured  
Location: Site at National Society For Epilepsy (Phase 3)  
Chesham Lane  
Chalfont St Peter  
Buckinghamshire  
SL9 0LE  
Applicant: Audley Court Limited

Decide by Date: 08.03.2018  
Ward: Chalfont Common

### SITE CONSTRAINTS

Article 4 Direction  
Adjacent to C Road  
Area Special Advertisement Control  
Adjacent Listed Buildings  
Within Green Belt other than GB4 GB5  
Mineral Consultation Area  
Major Development Site Greenbelt  
Tree Preservation Order Individual Trees

### COMMITTEE CALL IN

Councillor Harrold has requested this application be referred to Planning Committee irrespective of recommendation as it is a major proposed development within the Green Belt.

### SITE LOCATION

The application site comprising approximately 2.9 hectares (7 acres) relates to an area of land on the south western side of the Epilepsy Society site.

The site itself forms an area of previously developed land. The existing buildings comprise a day centre (Martineau House) and three accommodation blocks (Lakeman House, Rydinghurst House and Penn House) and a small cadet building. All of these buildings have previously been used in connection with the use of the Epilepsy Society site.

The buildings are spread across the majority of the application site and are set amongst generous areas of open space and benefit from the presence of a variety of mature and younger woodland. There are also three Woodland Tree Preservation Orders towards the east of the site at the rear of the existing building; Porthaven. The existing buildings are mainly of a domestic scale and appearance with sizes ranging from bungalows to larger two storey buildings. The scales of these buildings vary with three measuring less than five metres in height top ridge and two buildings exceeding seven metres in height. Those two buildings are Rydinghurst House and Penn House.

### **THE APPLICATION**

The application proposes the redevelopment of part of the existing National Society for Epilepsy site to provide an extension to the existing Audley Care Community at Chalfont Dene (Use Class C2) development approved under application CH/2011/2026/FA.

It would comprise 58 individual units of accommodation in the form of 8 two bed semi-detached dwellings, 3 two bed terraced houses, 42 two bed apartments and the conversion of Rydinghurst House into 5 apartments.

The proposed new development would rely on the care and communal facility infrastructure already in place at Chalfont Dene and would supplement this with a new village hall. The submitted planning statement indicates that the Village Hall would serve as a versatile function room for existing and new residents, and would be made available for hire for residents of Chalfont St Peter on a controlled basis.

The proposal would also incorporate the laying of hardstanding and associated landscaping and the reconfiguration of 12 no. car park spaces within existing Audley Chalfont Dene.

As set out above the development would form an extension to the accommodation and facilities available at the adjoining Audley Care Community at Chalfont Dene which was granted planning permission CH/2011/2026/FA.

The existing road network already in use within the Audley Care Community will be utilised with a vehicular route running horizontally west to east across the proposed site linking to Micholls Avenue to the west but with only emergency access to Penn Gaskell Lane to the east in Chalfont Dene. Minor networks will lead off this main route feeding into the proposed new units. Several parking courts will also be present facilitating the 78 off road parking spaces being provided.

A Planning Statement has been submitted which includes background on the approach Audley has to care and the nature of the proposed use. It also includes relevant Planning Policy Context, planning history on the site and pre-application engagement that has been undertaken prior to the current application. The Planning Statement also outlines the planning assessment and material considerations that should be taken into account when deliberating the application. There is also acknowledgment that the proposal constitutes inappropriate development in the Green Belt and sets out a number of very special circumstances of which need to be appropriately and comprehensively considered when weighing up the planning balance.

A Design and Access Statement has been submitted which includes site and context assessments; details of the design evolution, pre-application consultation amendments and detailed design justifications for the

residential accommodation and community building and sections on archaeology; community safety; sustainability; movement; and; access.

A Heritage Statement has been submitted which includes the area's historic development in general and the context of the site specifically. It provides detailed site context, information regarding the history of Chalfont St Peter, the development of the epilepsy colony and an in-depth analysis of the current site.

A Needs Study has been submitted which sets out that within a 9 mile radius of the site, there is an indicative demand in 2018 for private leasehold extra care units of 2,350 and a shortfall of 244 within the Chiltern District Council local authority catchment. Furthermore, it indicates that between 2011 - 2025 there will be an increase by 35.6% in the 65+ age bracket within Buckinghamshire and as such the study states that this shows demand levels will increase for the area. It also identifies that there are existing and planned care communities both within the Local Authority catchment but also within the 9 mile market catchment area. The study concludes that the proposal would provide a much needed, suitable and sustainable extra care facility.

The following documents have also been submitted in support of the application:

- Transport Statement
- Energy Statement
- Energy Strategy
- Bat Survey and Mitigation Strategy
- Biodiversity Enhancement Strategy
- Ecological Appraisal
- Flood Risk Assessment
- Ground Investigation Report
- Arboricultural Report

### **RELEVANT PLANNING HISTORY**

The application site has a long and complex planning history. However, the most relevant to this application relates to the recently developed Chalfont Dene site as follows:

CH/2011/2026/FA - Redevelopment of part of site to provide Care Community (Use Class C2) comprising 82 units of accommodation, widening of an existing vehicular access onto Rickmansworth Lane, laying of hardstanding, creation of ponds as part of a SUDS scheme with associated land level alterations, and landscaping. Conditional permission. Implemented.

CH/2015/0676/VRC - Minor Material Amendment - Variation of condition 30 of planning permission CH/2011/2026/FA to facilitate increase in provision of habitable units from 82 to 84 and the repositioning of Micholls Cottage, Block R and Block Q. Conditional permission. Implemented.

### **PARISH COUNCIL**

Comments received 5 January 2018:

Chalfont St Peter Parish Council support this application in principle. There is concern that the amount of parking is insufficient and drainage issues. It is believed more screening of Cross Lanes is required.

Comments received 27 June 2017 following the submission of amended plans:

Strongly support this application. All concerns addressed very sympathetically.

### **REPRESENTATIONS**

9 letters of comment have been received and are summarised below:

- Unhappy with removal of any trees.
- The pine trees on site are dangerous and present concerns to the public.

- The retaining and improvement of the green grass and tree area is welcomed.
- Parking remains a high concern for current residents within Audley Chalfont Dene.
- Parking for the new Community Hall seems to be non-existent.
- There is no information provided on where the additional staff members will park.
- Car parking lights currently present are excessively bright and any proposed lighting should be minimised to prevent excessive light pollution.
- There is no provision for the storage of scooters on site which will be an issue with elderly residents.
- Building 3A is fairly close to the boundary with Chesham Lane and is a very large building.

33 letters of objection have been received and are summarised below:

- Traffic will increase over the next few years in the local area with additional housing being built.
- Further increase in traffic will put pressure on surrounding roads and present a danger to residents, walkers, cyclists, horse riders and vehicles.
- The car park adjacent to Chesham Lane may result in high noise levels, pollution levels and very bright lighting to residents.
- The burden placed on the local health services will be unsustainable.
- Carers are already in short supply and therefore the development will increase demands for primary and secondary car services.
- Building 3A is extremely close to the Chesham Lane boundary which creates a detrimental impact on the residents of Chesham Lane.
- Building 3A is out of character and scale with the existing developments.
- Building 3H (Village Hall) will create influxes of traffic which will require parking spaces due to the hiring out to other organisations.
- Concern raised in regards to the increase from 5 buildings to 11 on site.
- The increase in ridge heights will destroy views, the feeling of space and freedom from residents located along Cross Lanes.
- The proposed floor area should not be greater than that of the existing buildings and what is proposed will be overbearing to residents.
- The lighting across the entire site should be reduced from that at Audley Chalfont Dene (Phase 1 and 2).
- The proximity of the site to residential dwellings will impact on privacy currently enjoyed.

A letter has also been received from Chalfont Dene Leaseholders Association representing 50 residents. Their comments are summarised below:

- The proposed parking provision is wholly inadequate and will not cope with an influx to the Hall or enlarged staff demand.
- Overspill of parking demand will leak into Audley Chalfont Dene.
- Concerns are raised in relation to the construction period and build programme for the site.

4 letters of support have been received for the application. The comments within these letters are summarised below:

- The provision of the Community Hall will be available to the general public which will benefit all.
- Will have a positive impact on the area and cater for elderly residents in need.
- There will be a considerable demand for properties of this type.
- The scheme enhances the dilapidated unsightly buildings currently on site.
- The development is clearly a suitable and appropriate use of land in such a location.

## **CONSULTATIONS**

### **District Planning Policy Team - Summarised:**

#### **New Local plan**

The Council has commenced work on a new local plan intended to cover planning and development needs over the periods 2014 to 2036. The Council commissioned jointly with the other Buckinghamshire authorities a county wide Green Belt assessment. Assessing the Green Belt as a whole against the five purposes of including land within the Green Belt. This study highlighted an area of land including the NSE built up site and farm land to the east as an area of the Green Belt for further study. The Green Belt Assessment Part Two was undertaken separately by Chiltern and South Bucks councils across their council areas and concluded that an area of the Green Belt around the NSE site (essentially the built up area but including some open land to enable a defensible Green Belt boundary to be created) could be removed from the Green Belt. As a result The Chiltern and South Bucks Local Plan Green Belt preferred options did include the NSE site as an area for consideration from the Green Belt. The boundary of the proposed area for release from the Green Belt includes all the land currently designated as a major developed site in the adopted core strategy. However, the local plan process has more stages to pass through and it is not certain at this stage that all the Green Belt preferred options will indeed be recommended for removal from the Green Belt in the submission version of the local plan. Therefore the applicants' comments in the planning statement on the proposed development site and its consideration of Green Belt status in the emerging Local Plan are noted however they are not relevant to the consideration of the development of this site at this time. The site remains a previously developed site in the Green Belt and any proposed development should be considered on that basis.

#### **Conclusion**

The development proposed should be considered against the adopted Development Plan and the more recent government guidance. Careful consideration needs to be given to the impact of the proposed development on the openness of the Green Belt. In pure size terms the proposed development appears to be larger and mostly taller than the existing. The site is previously developed land within the Green Belt where the government guidance referred to above is quite clear that any re-development should not have a greater impact on the openness of the Green Belt. The land the subject of this proposal is being considered for removal from the Green Belt and if removed the scheme would not need to be considered against its effect on the openness of the Green Belt.

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

This application proposes the redevelopment of the existing site to provide 60 units of C2 accommodation for the elderly, with associated car parking facilities.

When considering trip generation, having interrogated the TRICS (Trip Rate Information Computer System) database, I would expect the proposed development to generate in the region of 105 vehicular movements (two-way) per day. This figure is a reduction in anticipated vehicular movements from the data surveyed from the existing care home site contained within the Transport Statement (TS), however this could be due to the locations of the two developments, and the number of residential units contained within each development. The proposed development would have the potential to generate 10 and 8 vehicle movements in the AM/PM peak hours respectively, with the majority of the vehicle movements being made off-peak.

There would be one vehicular access serving the site, from Micholls Avenue, which connects to Chesham Lane to the western boundary of the site. The access within the site would measure a carriageway width of 5.5m, with partial footway provision on both sides of the carriageway measuring 1.7m. A carriageway of this width would allow vehicles of all sizes to pass each other safely.



Swept-path analyses of a 9.86m refuse vehicle and a 7.7m fire tender have been tracked within the site. However, the maximum size refuse vehicle as used by the Local Waste Authority would measure 10.32m. As such, this will need to be tracked within the site. However, I believe that this could be dealt with by way of condition.

I note that 80 car parking spaces are to be provided on site for residents and visitors, 24(no) of which will be disabled parking bays. Whilst I trust that the Local Planning Authority will consider the adequacy of the parking provision proposed, I can confirm that the spaces proposed are of adequate dimensions and would allow for vehicles to park, turn and leave the site in a forward gear. Mindful of the above, I have no objections to the proposals.

**Chiltern Clinical Commissioning Group:**

There are many care and nursing homes already in the Chalfont St Peter area (Chalfont Lodge, Swarthmore, Austenwood, Windsor Lodge, Rock House, Mulberry court, Buckingham House, Chiltern House and Woodland Manor), which are covered by The Allan Practise, Hall Practice and Misbourne Surgery who collectively cover a population of over 30,000. In addition this area has a large number of elderly patients, with a relatively high number who are also housebound with high levels of need requiring home visits.

Looking after patients in residential or nursing care homes is intense and often complex and there are no extra resources nationally for practises which have higher visiting rates. Practice income generated from the patient list size supports the practise employing a certain number of doctors across the week - it does not cover additional primary care input often "expected" by care home providers.

We also know from past experience care homes can struggle to recruit additional staff resulting in a high turnover of staff or very inexperienced staff often caring for very complex patients. This in turn has led to a much higher demand on medical services which can be two or three times the expected workload.

Further development to an existing care/nursing home in the Chalfont St Peter area will definitely create more pressure on GP services and put existing patients at risk, if the current GPs are unable to cope with any additional workload.

*Further to the amended plans submitted, the Chiltern Clinical Commissioning Group submitted additional comments:*

Following discussions with the developers we appreciate that the model being proposed for this site does accord with the strategy of Adult Social Care and there are benefits arising from this type of development which cover:

- A significant reduction in the duration of unplanned hospital stays, from an average of 8-14 days to 1-2 days
- Significant savings for NHS budgets as a result of improved well-being of residents and operational efficiencies for visits by doctors and nurses.
- Significant improvements in psychological well-being, memory and social interaction.
- A 35% reduction in the need for doctor's appointments.

That said I would like to reiterate the comments from our initial letter.

**Buckinghamshire County Council SuDS:**

Buckinghamshire County Council as Lead Local Flood Authority has reviewed the information provided in the Flood Risk Assessment (Tier Consult Ltd, ref. T/16/1828/FRA 1.4 dated 31st May 2018). Following our consultation response on 13th June 2018, the applicant has sought to address our concerns.

The Ground Investigation report (Tier Consult Ltd, ref. T/16/1828/GIR dated 14th May 2018) concludes that point infiltration as a means of surface water disposal is not feasible due to the possible creation of solution

features attributed to point discharge from a soakaway. However, blanket infiltration using permeable paving may be possible. The current drainage strategy proposes using permeable paving to drain parking areas and the access road and to discharge roof drainage to the Thames Water network at a rate of 3l/s.

Following the LLFA's consultation response on 13th June, the applicant has conducted infiltration rate tests across the site. The results demonstrate that the use of permeable paving as an infiltration device is feasible and supporting calculations use the worst case rate achieved which is 3.56x10<sup>-6</sup>m/s.

The applicant proposes to utilise permeable paving to collect and treat surface water runoff from both parking areas and roads along with cellular storage to attenuate roof drainage. The applicant must look at sustainable drainage measures that are higher in the hierarchy than cellular storage and provide an assessment for their suitability to be included in the drainage scheme. The multiple roof areas provide an opportunity to include green roofs. In addition, we understand that there is a substantial area of open space and gardens which could incorporate detention basins, rain gardens and bio-retention areas.

**District Head of Health and Housing - Environmental Health:**

I have reviewed all of the plans and supporting documentation submitted with this application and can confirm that I would not be objecting to any considerations to grant consent.

**District Historic Buildings and Conservation Officer:**

Verbally advised that having regard to the 2004 Appeal decision and 2011 Development she does not consider an objection can be sustained to the impact on the setting of listed buildings on the National Society for Epilepsy Site. Also advised that Rydinghurst House should be considered as a non-designated heritage asset and consideration should be given to its retention as part of the development.

**Ecology Advisor:**

I have reviewed the ecological information provided in support of this application, including the Updated Nocturnal Emergence and Dawn Re-entry Bat Survey report produced by Middlemarch Environmental (September 2018). Overall I am satisfied that the presence of bats and other protected species has been given due regard. If minded to approve, the development must be undertaken in accordance with the recommendations of the ecological assessment, including adhering to the recommended working and mitigation methods, and obtaining a European Protected Species Mitigation Licence from Natural England due to the confirmed presence of roosting bats.

**District Tree and Landscape Officer:**

The application includes an Arboricultural Report that contains a tree survey, a Proposed Site Plan, a Site Analysis, a Development Masterplan, a preliminary Landscape Concept Masterplan and a Planting Philosophy. Both the preliminary Site Analysis and the Arboricultural Report show tree retention and removal, and the Proposed Site Plan shows tree retention but there differences between these three plans. The Site Analysis appears to be an earlier preliminary plan that appears to have been superseded by the other plans so will concentrate on the later plans.

There are many large mature trees on the site, particularly towards the boundaries with Cross Lanes and Chesham Lane, and beside the existing roads through the site. In addition there is extensive parkland planting throughout the site.

The line of Scots pines in front of Buildings 3G and 3H is shown to be retained. A Norway maple T22 and a beech T23 close to this line are shown for removal. The maple has a poor shape and some developing cavities while the beech is a prominent tree but has some fungal fruiting bodies of Ganoderma developing on one side at the base. As this develops the tree would become weaker and more vulnerable to collapse. A sycamore

T51 with a potentially weak structure is shown for removal and the other trees for removal in this vicinity are relatively small.

A Norway maple T96 is shown for removal on the tree plans but is retained on the Proposed Site Plan. This tree has extensive decay on one side and leans towards the houses in Cross Lanes.

A group of Norway spruces (not Douglas firs) T116-123 is shown retained to the east of Building 3C3 but the laurels underneath are shown for removal. A cherry T171 to the west of Building 3B is shown for removal on the tree plans but is retained on the Proposed Site Plan. This is a multi-stemmed tree with a weak structure of no particular importance.

A very large oak T176 is shown for removal just to the north of Building C2. The loss of this prominent tree would be unfortunate but it is now showing signs of decline with old age and has dead wood in the crown.

Two other fairly large trees are shown for removal. These are an ash T242, which has some bark damage and a red oak T247, which appears to have suffered some root damage.

Overall most of the better trees on the site are retained and the indicative landscaping plans show fairly extensive replanting proposals.

I have no objections to the application provided there is adequate protection for the retained trees in accordance with the proposals in the tree report.

*Following amended plans being received the District Tree Officer has submitted additional comments*

Revised plans have been submitted that show the retention of Rydinghurst House, significant changes to the proposals in this vicinity and some minor changes in other parts of the site. Nonetheless the proposals for tree retention and removal appear to be the same as before apart from the additional loss of one cypress T114.

The revised plans include a revised Arboricultural Report that contains a tree survey, a revised Proposed Site Plan, a revised Development Masterplan and a revised Planting Philosophy.

However I note that the existing trees shown on the latest Proposed Site Plan P5 and the Proposed Site Plan - Roof Level Plan P4 have moved a few metres to the south relative to what appear to be their correct positions on the previous Site Plan and the tree plans. This is particularly obvious relative to fixed lines such as the boundary of the site with Cross Lanes.

The revised Arboricultural Report Rev d dated May 2018 appears to be very similar to the previous version Rev b dated November 2017 apart from references to the revised plans and layout. However in Section 5.3 there is now a reference to 178 proposed new trees. In addition to the changed layout and minor consequential changes the Proposed Layout and Tree Removals Plan Rev d and the Tree Protection Plan - Construction Rev c now show the adjacent roads and houses. The Planning Tree Works Schedule Rev c in Appendix B now shows some addition crown lifting of some trees to allow access of construction plant as well as the additional loss of T114 cypress.

My general comments on the trees on the site remain as before but I am still not totally convinced of an urgent need to remove some of the larger trees. I note that the revised Proposed Site Plan, the revised Development Masterplan and the revised Planting Philosophy all now show the retention of the red oak T247 beside the parking spaces adjacent to Rydinghurst House, which has some dead wood but much of the crown seems to be in reasonable health. Similarly the very large oak T176 has some dead wood and is showing signs of decline with old age, but much of the crown is in reasonable condition and it is now evolving into a veteran. The other very large old oak T133 is shown retained as an important feature tree and is the only tree classified in Category A in the tree survey within the application site.

Despite the reference to the planting of 278 new trees within the Arboricultural Report, there appear to be no details of these proposals with only indicative planting shown on some of the plans.

My conclusion remains as before - overall most of the better trees on the site are retained and the indicative landscaping plans show fairly extensive replanting proposals. I have no objections to the application provided there is adequate protection for the retained trees in accordance with the proposals in the tree report.

**Buckinghamshire and Milton Keynes Fire Authority:**

Further to your recent submission of documents relating to the above development, this authority's comment at this stage is as follows:

- All applications must give due consideration to Approved Document B, Section 15 (Fire Mains & Hydrants) and section 16 (Vehicle Access).
- Particular attention must be given to parking facilities to prevent chronic 'double parking' issues, which could ultimately affect emergency service attendance.
- Where a gated development is included within the application it is preferable that a digital lock is fitted, it is then the responsibility of the property owner to inform Buckinghamshire Fire & Rescue Service of the access codes and update details should there be any changes.
- Where blocks of flats are included within a development the design of refuse storage and collection areas within these buildings should be such that there are no opportunities for deliberate ignition of the refuse, furthermore any fire that may occur within the refuse areas should not affect any habitable areas of the development. In addition, private dwellings should be provided with adequate secure bin storage that is separated from the building by either distance or fire resisting structure.

**Thames Water - Foul and Waste Water:**

Following initial investigations, Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position for foul water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission.

*No properties shall be occupied until confirmation has been provided that either:- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Reason - The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.*

**POLICIES**

National Planning Policy Framework (Revised July 2018) (NPPF)

Core Strategy for Chiltern District - Adopted November 2011: Policies: CS1, CS3, CS4, CS5, CS8, CS12, CS13, CS16, CS20, CS24, CS25, CS26, CS27, CS28, CS29, CS30, CS31 and CS32.

The Adopted Chiltern District Local Plan - 1997 (including The Adopted Alterations May 2001 and July 2004). Policies as saved from 28 September 2007: Policies GC1, GC3, GC4, GC7, GB2, CSF1, H9, LB2, TW2, TW3, TW6 TR2, TR3, TR11 and TR16.

## EVALUATION

### Background and proposed use

1. Planning permission was granted in October 2012 for the redevelopment of part of the Epilepsy Site to provide a care community (known as Chalfont Dene) comprising 84 units of accommodation (application reference CH/2011/2026/FA). The current proposal would form an extension to this Chalfont Dene care community utilising adjoining land that currently forms part of the Epilepsy Site.
2. In granting permission for the Chalfont Dene development it was acknowledged that the development would constitute inappropriate development in Green Belt. However, the development was granted permission on the basis that very special circumstances existed were sufficient to outweigh the harm to the Green Belt. These included the provision of specialist housing accommodation, consolidating community aspects of the site and employment opportunities.
3. The existing facility was granted permission on the basis that it was a care community falling under Use Class C2 and is subsequently subject to a S106 Planning Obligation which restricts the use of the development to a C2 use for elderly people in need of care. The Planning Obligation also secured a number of other benefits including access to the main building (containing hydrotherapy pool, gymnasium, and other leisure facilities) to invited members of the public on an agreed basis for a minimum number of days a year; access to the landscaped area by members of the public on a restricted basis; provision of a mini bus service to and from the site for residents and workers.
4. As noted the proposal is an extension to the existing care community and falls under the same Use Class (C2) as already approved on the adjacent land. In order to ensure that the units within the development remain in this use it is considered necessary for it to be subject to a further Section 106 Planning Obligation to secure similar provisions to the existing development. Having regard to legal advice previously obtained in respect of whether the development falls within the C2 definition in the absence of any material change in circumstances or advice it is accepted that the development is C2.

### Principle of development / Green Belt

5. The application site falls within the Green Belt. The National Planning Policy Framework (NPPF) advises at paragraph 133 that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this are provided in paragraph 145. The most relevant exception to this development is set out in point G of para. 145 which states as follows:

*'limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would:*

- *not have a greater impact on the openness of the Green Belt than the existing development, or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'*

7. The application site forms an area of previously developed land on the south western side of the Epilepsy Society site. The proposed development would fall to be considered under the first bullet point of the above criteria.

8. It is also of relevance that the wider Epilepsy Society, which the application site forms part, is designated with the Development Plan as a Major Development Site (MDS) within the Green Belt. Policy CS13 of the Core Strategy is relevant and this requires that any redevelopment of this site should have no greater impact than the existing development on the openness of the Green Belt, and the purposes of including land within the Green Belt. Policy CS13 was adopted prior to the publication of the NPPF and the revised version published in July this year. However, it is considered that this Policy is broadly in accordance with guidance relating to Green Belts set out in the NPPF, in as much as it requires an assessment of the impact of the development on the openness of the Green Belt.

9. Taking the above into account and having regard to Paragraph 145 (g) of the NPPF an assessment needs to be made as to whether it is considered that the proposal would not have a greater impact on the openness of the Green Belt than the existing development.

#### **Impact on the openness of the Green Belt**

10. The proposed development would increase the footprint area of buildings on site by 27 per cent from 2680sqm to 3679.52sqm. The overall floorspace of the buildings would also be significantly increased from approximately 2570sqm to approximately 6967sqm. This increase in floorspace is evident in the height of the buildings which would include a greater number of two storey buildings. The proposed buildings are designed with pitched roofs and comprise a mix of 2/3 storey buildings with ridge heights ranging from 8 metres to 10.5 metres. This compares with the existing buildings which are mostly single storey and range from 4.9 metres to 10.8 metres.

11. The additional floorspace and general increase in heights of the buildings does mean that the proposed development would undoubtedly have a greater impact in terms of overall size and scale. However, it is also of relevance that the site is largely surrounded by existing buildings of a comparable scale to those proposed and any increase in built form would be viewed within this context. The surrounding development creates a buffer with the undeveloped area of open Green Belt to the north and almost entirely encloses the site within an existing built envelope. This is considered to mitigate the impact of the increased built form on the Green Belt and reduces the level of harm to the openness of the Green Belt.

12. Overall it is considered that the increase in the amount of built form on the site would result in a greater impact on the openness of the Green Belt than the existing development. However, it is considered that the impact is mitigated by the site being surrounded by existing development and the overall harm to the openness of the Green Belt is therefore limited.

#### **Specialist Housing / Community Facility**

13. As noted above, the proposal would form an extension to the existing Chalfont Dene Care Community and subject to a Planning Obligation would fall under Use Class C2. Proposals falling within Use Class C2 are defined as community facilities for the purposes of the policies of the Development Plan. Policy CS29 relates to community facilities and recognises the importance of such facilities. The policy states that the Council's strategy is to encourage the provision of community facilities in areas of the District where there is an identified need, and that exceptions to policy would be considered in order to encourage such facilities. In addition, it seeks to locate new development near to existing community infrastructure, frequent and reliable public transport services and main transport routes.

14. Policies CS3 and CS12 of the Core Strategy encourages the provision of specialist housing within the built up areas of Amersham, Little Chalfont, Chesham and Chalfont St Peter. The proposal site is located outside the built up area. However, Policy CS3 and the supporting text for Policy CS12 indicate that the Epilepsy Society site may be appropriate for the development of extra care, residential care or nursing homes. Taking this into account the Core Strategy supports the provision of specialist housing on this site.

15. Furthermore, the Core Strategy identifies the issues arising from an increasingly elderly population as one of the eight Strategic Spatial Issues for Chiltern and it is a Core Strategy Strategic Objective to encourage the provision of specialist facilities and care and appropriate, adaptable homes for elderly people and those with special needs such as dementia. The applicant's agent has submitted a Needs Study and this sets out that the population within a 9 mile radius has an above average elderly population, and that there is an increasing demand for extra care units constituting specialist housing for the over 75 age bracket, with their analysis producing a report which states that the current indicative shortfall equates to 2,490 in the 9 mile catchment area and 408 within the Chiltern District Local Authority area by the year 2024. Based on the yearly demand from 2018-2024 this measures at a supply of 68 extra care beds per year is required. The Needs Study provides a local picture and supports the overall premise within the Core Strategy regarding the ageing population within the District. The proposed development provides 58 care units which represents a significant contribution towards the need for specialist housing. The proposal would also benefit from the use of the existing high quality facilities on the existing care community and would extend these facilities through the incorporation of a village hall which would serve as a versatile function room for existing and new residents, and would be made available for hire for residents of Chalfont St Peter on a controlled basis. As such it is considered that the Extra Care Facility in this location should be supported.

### **Design, Character and Appearance**

16. Local Plan Policy GC1 and Core Strategy Policy CS20 require new development throughout the District to be of a high standard of design and to reflect and respect the character and appearance of the surrounding area. Chapter 12 of the NPPF fully endorses this approach.

17. The proposed development would have a branched spinal road layout with the buildings set in areas of landscaped open space. As detailed in the Design and Access Statement, the built form and spaces would be an extension to those established in the Chalfont Dene Village to the East.

18. The proposed buildings would broadly reflect the design of the existing Chalfont Dene development and also provide references to the character of the Epilepsy site and surrounding area. In this respect it would include buildings influenced by the Arts and Crafts movement of a comparable scale and height to the buildings on the existing Chalfont Dene development. The branched spinal road layout would also reflect the historic use of the site and the retention of Rydinghurst House towards the front of the site would ensure the site appears cohesive to the original Epilepsy site and also softens the entrance into the south from the west.

19. The residential buildings sited further into the site are treated more as background architecture creating spaces which are reminiscent of a rural village and are therefore less formal in appearance and form. Although the same materials will be continued throughout the entirety of the site, the buildings sited more to the east have a clear varied aesthetic to the 'arts and crafts' zone. The more rural sections of the site are designed with simple forms and roofs which reflect local agricultural buildings.

20. The village hall is sited near the heart of the scheme further reflects the local agricultural form with a clip hip roof and timber cladding. Whilst not a prevalent material type in the direct surrounding locality to the site, timber cladding has been used throughout Chalfont Dene and therefore feeds into the idea of the site being an extension to this development.



21. The primary materials proposed will be clay roof tiles and brickwork with secondary materials being painted render, horizontal timber effect weatherboard cladding and reconstituted stone window surrounds.

22. Overall, the proposal would provide for a spacious layout with buildings that are appropriate to their use and context as an extension to the existing Chalfont Dene Development.

### **Impact on Heritage Assets**

23. The Epilepsy Society site contains five listed structures, comprising four listed buildings and a listed monument. The District Historic Building Officer was consulted on this application and confirmed that she does not have any objections with regard to the impact on these listed buildings. However, she did identify that Rydinghurst House, which is an existing building located towards the front of the site, should be considered as a non-designated heritage asset, particularly the frontage of the building which exhibits Arts and Crafts features. The building is also located to the front of the site and is visible from Chesham Road where it provides a historic link to the development and former use of the site as part of the National Society for Epilepsy.

24. In the original plans submitted with this application Rydinghurst House was shown to be demolished. However, following discussions between the applicant and the Council, amended plans were submitted to which shows the retention and conversion of Rydinghurst House for use as five apartments. This is considered to be a benefit of the scheme as it allows for the retention of this non-designated heritage asset and retains a useful visual link with the historic use of the site. This is considered to be accordance with Paragraph 194 of the NPPF.

### **Amenity**

25. In respect of the amenity of future occupiers of the proposal it is noted that the units of accommodation do not have their own curtilages but benefit from extensive communal grounds. All apartments units (Blocks 3B, 3D, 3E, 3F and 3G) would also be served by patios with the majority of these having outlooks onto the open green amenity spaces. The dwelling units (3C1, 3C2, 3C3, 3C4 and 3C5) will have also be served by patio areas. As such, proposal it is considered that the proposal would provide a good level of amenity to future occupiers of the proposal.

26. In respect of neighbour amenity, the proposed buildings would be set in from the boundaries of the site. The majority of the buildings are sited at sufficient distances from the rear boundaries of those dwellings along Cross Lanes such that they would not appear unduly prominent or intrusive when viewed from these neighbouring properties and would not give rise to overlooking or a loss of privacy to these properties. Consideration has been made during the process of this application and the amendments sought have ensured that those neighbours in the closest proximity to the development site have a minimal potential impact. As such, no objections are raised to the proposal with regards to the amenities of any neighbouring property and Policy GC3.

### **Highways and parking**

27. The representations section of this report sets out highway related comments in respect of the development and this includes an issue relating to the width of Micholls Avenue. The County Highway Officer states that the width of the one vehicular access through the site is adequate to allow for vehicles of all sizes to pass each other safely as shown by the swept-path analyses and tracking within the site. However it is noted that should a maximum width refuse vehicle be used by the Local Waste Authority then the width of this vehicle is greater than those tracked and as such, the large refuse vehicle would be need to be tracked within the site. This can be controlled by way of condition. The County Highway Officer has estimated that the proposed development would generate in the region of 1-5 vehicular movements (two-way) per day which is a reduction in anticipated vehicular movements from the data surveyed and provided by the applicant in the

Framework Travel Plan. The County Highway Officer also states that the majority of vehicle movements will be made off-peak. He recommends a Travel Plan to reduce single occupancy car journeys and promote sustainable travel choices but has no concerns on the proposed vehicular access route. As such, it is considered the proposal would not have a detrimental impact with regards to highway safety.

28. Policy TR16 sets out the Council's Parking Standards and for residential institutions (Use Class C2) and the Parking Standard is 8 spaces for the first 24 residents and then one space for every 4 additional residents plus suitable arrangements for parking for people with disabilities and adequate secure and covered facilities for parking cycles and motorcycles. A range of parking scenarios have been calculated by Officers and if each unit was occupied by one person then 17 parking spaces would be required to meet the Parking Standards, whereas if each unit was occupied by two persons, then 30 parking spaces would be required to meet the Parking Standards.

29. The application proposes 78 car parking spaces onsite for residents and visitors, 24 of which will be disabled parking bays. This amounts to one parking space per unit and 20 additional spaces for visitors and would be well in excess of the standards set out in Local Plan Policy TR16.

30. The proposal would also incorporate a village hall. The submitted Planning Statement indicates that, as with the existing facilities at Chalfont Dene, the village hall will be available, in a controlled way through the Audley Club, for older people who are not ready to come to live at an Audley scheme but crave the social interaction and wish to make use of the numerous facilities and services available at the site. Local schools will be encouraged to make use of the extended Chalfont Dene site for study and to interact with older people during history, sociology and other projects. However, it is noted that the Village Hall would be primarily used by residents of the care village, including those on the existing Chalfont Dene development and it is considered that the level of parking proposed on site, including the additional visitor spaces, would be sufficient to serve the development.

31. As such, having regard to the nature of the development and the comments of the County Highway Officer, no objections are raised in respect of the parking provision associated with the development subject to conditions, including the need for the above mentioned Travel Plan.

### **Sustainability and biodiversity**

32. In terms of sustainability issues, Policy CS4 of the Core Strategy sets out sustainable development principles for new development within Chiltern District.

33. It is acknowledged that the site is located away from the main employment, shopping, leisure and community facilities of the main built up areas. However, it would be an extension to the existing care community at Chalfont Dene and would benefit from the existing facilities and from a new village hall.

34. The Design and Access Statement and supporting information have highlighted areas where the design and layout of the proposal has had regard to the principles set out in this policy. The layout of the development is designed to seek to ensure ease of access for all types of transport and pedestrians and has taken into account the sustainability of the site by creating no new highway accesses and by providing parking pockets dispersed through the site. The proposal also incorporates the use of renewable energy technology and seeks to enhance biodiversity interests for the site.

35. In respect of renewable energy, Policy CS5 states that in developments of more than 1,000 square metres of floor space, the Council will require that at least 10% of their energy requirements are from decentralised and renewable or low-carbon sources. The applicants have submitted an Energy Strategy and an Energy Statement with the latter indicating that these renewable energy requirements can be readily

exceeded by installing communal air-to-water source heat pumps and Photovoltaic Panels (PVs). These air-to-water source heat pumps produce noise and could potentially require acoustic treatment. This could be secured by condition. Through the use of the proposed technologies, approximately 20% of the site-wide energy demand would be provided by onsite decentralised/renewable technologies. As such it is important that the mechanisms to achieve this level of renewable energy are secure by way of a condition.

36. In respect of biodiversity, Policy CS24 seeks to conserve and enhance biodiversity within the District and it is noted that various reports have been submitted relating to ecology, protected species, habitat management and biodiversity. Indeed, the bat surveys recorded that the site is used by bats for commuting and foraging purposes and the existing buildings were classed as having high potential to support roosting bats. Three trees on site were also identified as having moderate to high potential to support roosting bats. Therefore no unlicensed work may be undertaken on site. A bat mitigation strategy has been detailed within the Bat Survey and Mitigation Strategy Report which indicates bat roost boxes and roof crevice units will provide sustained and significant opportunities for the enhancement of the existing bat species and will contribute to the Ecological aim and objectives set out in the Biodiversity Enhancement Strategy.

37. Furthermore, the Biodiversity Enhancement Strategy Report outlines existing habitats and species and the creation of new grassland/wildflower habitats, hedgerows and trees and shrub planting on site. The creation of additional habitats will encourage existing and new species to thrive and will also contribute to the Ecological aims and objectives namely Ecological Management and Habitat Enhancement. As such it is considered that these aims would enhance biodiversity opportunities in the immediate area and this would also benefit the wider District.

38. Overall, it is accepted that there are potentially some limitations arising from the location of the site in the Green Belt for achieving the sustainability principles encouraged for development within the Chiltern District. However, the applicant has recognised the importance of both sustainability and biodiversity as an integral part of the development, and the interspersed bio-diverse lawns, trees, hedgerows and shrubs will provide the opportunity to ensure such benefits and enhancements are achieved for the wider area. It should also be noted that the NPPF continues to recognise the importance of the beneficial use of the Green Belt, such as retaining and enhancing landscapes, visual amenity and biodiversity, or to improve damaged and derelict land. It is considered that the proposal should achieve these objectives, and this approach is welcomed as part of the overall development. As such, it is important to ensure these benefits are secured by way of conditions as appropriate if planning permission is forthcoming.

### **Trees**

39. The site benefits from numerous trees and the comments of the District Tree and Landscape Officer are noted. The proposal would result in the loss of several substantial trees but the majority of these are showing signs of decay and weak structures. Both the preliminary Site Analysis and the Arboricultural Report show tree retention of the vast bulk of trees on sites and the indicative landscaping plans show fairly extensive replanting proposals compensating for the tree removal. As such, no objections are raised to the proposal, subject to adequate protection for the retained trees and the carrying out of the proposed planting. Therefore, the proposal would not be contrary to Policies TW2, TW3 and TW6.

### **Affordable Housing**

40. Policy CS8 sets out targets for the provision of affordable housing in new developments. However, this Policy only applies to developments that incorporate new dwellings falling under Use Class C3. As noted above, provided the proposal is subject to a Planning Obligation, the development would fall under Use Class C2 (Residential Institutions). As such, no objections are raised with regard to Policy CS8 subject to a Planning Obligation being completed.

### **Very special circumstances**

41. This development constitutes inappropriate development. The NPPF sets out in paragraph 143 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

42. As noted above, the partial redevelopment of previously developed land such as this site can be considered an exception to inappropriate development. However, this is provided that the proposal will not have a greater impact on the openness of the Green Belt than the existing development. Whilst the proposal by reason of the increasing size and scale will have a greater impact, the impact is mitigated by the site being surrounded by built form. The design and layout of the development is sympathetic to its surroundings and is therefore considered to result in limited harm to the openness of the Green Belt and is taken into account when balancing the very special circumstances against the harm to the Green Belt.

43. The applicant acknowledges that the proposal would constitute inappropriate development and has therefore put forward a number of benefits which the applicant considers would amount to a case of very special circumstances. These are considered below.

#### *Need*

44. A key feature of the case for very special circumstances is the need for and nature of the extra care facilities proposed. This issue has been addressed above. It is acknowledged that the proposal would contribute towards a need for specialist elderly accommodation in the area and that the proposal would be an extension to a well-established site already existing in Chalfont St Peter such that it would benefit from the existing facilities.

#### *No Preferable Location*

45. Within the applicants Planning Statement the point is made as to there being no more suitable locations available for this type of development within the District. No significant evidence has been provided showing other possible locations for the scheme. However, the scheme would be located on a previously developed site and would form an extension to the existing Chalfont Dene Care Community where it would benefit from existing communal facilities. As such, whilst it has not been demonstrated that no other location exists for this type of care development, it is acknowledged that a scheme in another location would not be able to benefit from the existing high quality facilities at Chalfont Dene.

#### *Contribution to Housing Land Supply / Release of Family Housing*

46. The case for very special circumstances outlines that the development will make a valuable contribution to the supply of housing in the District. Whilst the proposal would relate to Extra Care Units falling under Use Class C2, it is accepted that such units do contribute to the Districts housing need.

47. Furthermore, the Planning Statement indicates that a good proportion of residents of Audley schemes tend to be occupied by people who live locally. As such, it sets out that as people sell their houses to move into an Audley development, this would release family sized homes into the open market. As such, the ripple effect of such a development would be to release market housing within the District, and provide greater housing opportunities for local families. Whilst this does not contribute to the housing numbers for the District or provide any affordable housing, it would meet with a number of the Core Strategy objectives.

*Sustainable and Renewable energy*

48. The applicant has indicated that 20% of the on-site energy requirements of the development would be from renewable energy options. This is well in excess of the 10% required under Policy CS5, and is a significant factor in supporting the sustainable development principles for the development. As such, if planning permission is forthcoming it would be necessary to ensure these claimed benefits could be achieved, and to do this it would be necessary to condition the installation and use of the renewable energy features incorporated within the scheme.

*Communal Facilities and Public Access*

49. Mentioned within the applicants Planning Statement is information relating to the community benefits for the wider population. These benefits are stated to be the enhanced landscape that will be created which will increase both flora and fauna. The community is also set to benefit from being able to take part in additional open days and public meetings scheduled throughout the year and so will be able to make use of the proposed village hall. Obligations on the existing Audley Chalfont Dene site include a requirement to hold a minimum of 24 public events per year and these obligations will be continued on the extended development. It is felt that the communal facilities and access of the site to the public will actively encourage and enhance local provisions of community areas within Chalfont St Peter. This should be given consideration as it is a positive attribute of the proposed development and would also help meet the broad aims and objectives of Policy CS29.

*Local Community Support*

50. The submitted Planning Statement states that the extension to Chalfont Dene aims to build on local support given to the original application in 2012 and that the feedback from Audley's recent public exhibition and local engagement suggests that there is good local support for the proposed development.

51. The Councils statutory consultation through the planning application process, has resulted in support from the Parish Council as well as 4 Letters of support. However, this needs to be balanced against the receipt of 33 letters of objection. As such, limited weight can be given to the level of community support.

*Landscape and Biodiversity*

52. The applicant states that the development will provide enhanced landscaping and ecological habitats. With regards to landscaping the applicants indicate that the provision of a very high quality landscaped environment is an essential part of any Audley development, and is evident by reference to the landscaping now maturing at the adjoining Chalfont Dene site. It is stated that the landscape masterplan goes beyond a basic and utilitarian landscape scheme which might be associated with a typical development by a housebuilder and that the objective is to provide exquisite grounds where residents will chose to spend time, with landscaping that is both functional and which enhances ecological habitats.

53. It is noted that similar landscape benefits were acknowledged when assessing the application on the adjoining Chalfont Dene site. It was also noted that this would help achieve one of the recognised benefits for the Green Belt set out in the NPPF and also that it weighed favourably for the case for very special circumstances. It is acknowledged that similar benefits would be achieved through the extension of the Care Village.

*Impact on the Heritage Assets*

54. The applicant states that the development would replace dilapidated buildings adjacent to Passmore Edwards House and introduce high quality architecture and landscaping. Furthermore, it is acknowledged that additional benefits have been achieved through the retention of Rydinghurst House which has been identified as a non-designated heritage asset. The proposal would provide a benefit by investing in this heritage asset and securing its long term future by bringing it back into use as part of the development.

*Economic Impact*

55. The applicant suggest that the proposal would provide employment benefits in the form of 15-20 new jobs on a site that does not presently provide such levels. It is not clear from the application documents how the proposed employment generation compares to that which would result from the existing site being redeveloped for other uses. However, in the context of the current situation it is considered that the proposal would result in the net gain of jobs. This is a positive attribute of the proposed development and would also help meet the broad aims and objectives of Policy CS16.

56. An additional benefit mentioned by the applicant is that of the generation of jobs during the construction phase and the vast level of income generated into the local economy per year from the Audley Site. Approximately £1.5 million is currently generated with the proposed extension set to add a further £0.5 million. This level of income generation fed into the local economy is an element of the scheme which weighs in favour of the development.

*Funding of Research at the Epilepsy Society*

57. It is indicated by the applicant that the development will support the work of the Epilepsy Society due to funds from the sale of the land going straight to the Society to fund additional and existing research programmes. As the Epilepsy Society is a charity they are mindful to the fact that a continued income stream is needed. With the sale of the land, the Trustees of the Society intend to use the proceeds for enhancing their charitable purpose by improving services and facilities for the local community and within the care Village and also continue world-leading research. It is acknowledged that the contribution made by the proposed development for the Epilepsy Society is positive and a consideration to take account, although this could apply to other forms of development on the site and only limited weight can be given to this.

*Enhancing Links with Local Schools*

58. The applicant's stance on community engagement stems from its partnership that can develop and grow with local schools. This engagement will be facilitated through the provision of an area of publically accessible parkland on site which will be able to provide increased opportunity for learning activities. Furthermore, it is stated that the flexible space provided within the proposed village hall would provide an ideal classroom environment for these local schools. These enhanced links are viewed as positive attributes associated with the scheme and promote some of the aims encouraged within Policy CS29.

*Removing Pressure from the NHS and Doctors Surgeries*

59. Within the Planning Statement, it is stated that Audley is able to provide transitional care beds to the local NHS Trusts which in turn aids the movement of the elderly out of hospitals much sooner to avoid bed blocking. The provision of additional accommodation at the proposed site is stated to enhance the scope for the village to offer transitional care.

60. The Local Clinical Commissioning Group had initially raised some concerns regarding the proposal. However, it has subsequently provided further comments indicates that it still has some concerns recognises that a facility of this nature would provide a number of benefits. These include a significant reduction in the duration of unplanned hospital stays; significant savings for NHS budgets; significant improvements in psychological well-being, memory and social interaction and a 35% reduction in the need for doctor's appointments.

61. Given the above, it is acknowledged that there are some benefits may be applicable to the proposal, although this also needs to be balanced against the initial concerns raised by the local Clinical Commissioning Group. As such, only limited weight can be given to the benefits outlined.

### **Conclusion on Very Special Circumstances**

62. As stated previously, substantial weight should be given to any harm to the Green Belt. The guidance in the NPPF is clear: very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case it has been acknowledged that the proposal would result in limited harm to the openness of the Green Belt and this needs to be taken into account when balancing the very special circumstances against the harm to the Green Belt.

63. It is acknowledged that when considered in isolation the benefits put forward would not constitute very special circumstances. However, when considered as a whole, in combination, it is considered that they do weigh significantly in favour of this development. It is also relevant that when granting planning permission for the existing scheme at Chalfont Dene, a similar combination of issues were considered to amount to very special circumstances. The current proposal would only result in limited harm to the openness of the Green Belt and overall it is considered that the package of very special circumstances are sufficient to outweigh the harm arising from the inappropriateness of the development and the limited harm to openness such that the grant of planning permission can be justified.

### **Section 106 Legal Agreement**

64. If the application is considered to be acceptable, then the prior completion of a Section 106 Planning Obligation would be required to ensure:

- (A) restrict the use of the development to a C2 use for elderly people in need of care;
- (B) require access to the communal building (Block 3H) invited members of the public on an agreed basis for a minimum number of days a year;
- (C) allow access to the landscaped area by members of the public on a restricted basis (for example, between the hours of 8:00 am until 7:00 pm or sunset whichever is earlier) 365 days a year.
- (D) to provide a mini bus service to and from the site for residents and workers.

The Applicant has indicated a willingness to enter into an Agreement on the above basis.

65. In accordance with Section 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked closely with the agent/applicant entering into negotiations and discussions providing them with consistent and relevant updates throughout the process. Amended plans were sought and additional information requested where considered appropriate to ensure that the outcome of the planning application was positive.

### **Human Rights**

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

#### **RECOMMENDATION:**

**APPLICATION BE DELEGATED TO THE HEAD OF PLANNING AND ECONOMIC DEVELOPMENT TO APPROVE SUBJECT TO CONDITIONS AND THE SATISFACTORY PRIOR COMPLETION OF A SECTION 106 PLANNING OBLIGATION AGREEMENT (COVERING THE REQUIREMENTS SET OUT IN PARAGRAPH 64). IF THE SECTION 106 AGREEMENT CANNOT BE COMPLETED THE APPLICATION BE REFUSED FOR SUCH REASONS AS CONSIDERED APPROPRIATE.**

**RECOMMENDATION: Defer-minded to approve subject to the prior completion of Legal Agreement. Decision delegated to Head of Planning & Economic Development Subject to the following conditions:-**

1 C108A General Time Limit

2 No development above ground level shall take place until a schedule of materials, including named types, and samples of the facing materials and roofing materials to be used for the external construction of the development hereby permitted have been made available to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and no external alterations shall take place to any of the buildings thereafter.

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

3 Prior to works commencing on the construction of the access roads, parking and manoeuvring areas, and pathways, or in accordance with a timetable previously agreed in writing by the Local Planning Authority, a schedule of materials to be used for the access roads, parking and manoeuvring areas and pathways shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and no alterations shall take place thereafter.

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

4 No development shall take place until detailed plans, including cross sections as appropriate, showing the existing and proposed ground levels of the site, the pond and its surrounding land level and the proposed slab and finished floor levels of the buildings hereby permitted have been 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.

5 No development above ground level shall take place until details of the siting, design and external appearance of cycle and refuse provision have previously been made available to and approved in writing by the local planning authority. The cycle and refuse provision shall be constructed in accordance with the approved details prior to the occupation of any of the buildings hereby approved or in accordance with a timetable which shall have previously been submitted to and approved in writing by the local planning authority, and retained thereafter for their original purposes.

Reason: To ensure adequate provision of cycle and refuse stores.

6 The development hereby approved shall be implemented in accordance with the tree and hedge protection measures described in the Arboricultural Report dated May 2018 Ref: 160708-PD-11d, the Tree Protection Plan - Demolition Drawing No 160708-P-12 Rev b dated 15.05.18 and the Tree Protection Plan - Construction Drawing No 160708-P-13 Rev c dated 15.05.18 by Tim Moya Associates. This shall include the erection of tree protection fencing, the hard standing removal measures and the use of no-dig construction in accordance with the Tree Protection Plans.

Reason: To ensure that the existing established trees and hedgerows in and around the site that are to be retained, including their roots, do not suffer significant damage during building operations, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

7 No tree or hedge shown to be retained on the Tree Protection Plan - Construction Drawing No 160708-P-13 Rev c dated 15.05.18 by Tim Moya Associates 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 apart from the work shown the Planning Tree Works Schedule document 160708-PD-12d. 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.

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

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

9 Notwithstanding details submitted, prior to occupation of the development a revised scheme for the manoeuvring of refuse vehicles shall be submitted and approved by the Local Planning Authority. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.

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

10 Prior to the commencement of any development a Travel Plan Framework for the site needs to be submitted to and approved by the Local Planning Authority. The framework shall set out measures to reduce single occupancy journeys by the private car and indicate how such measures will be implemented and controlled. The Travel Plan shall include a full analysis of the modal split at existing sites and indicate targets for modal shift in the forthcoming year. No part of the development shall then be occupied until the approved Travel Plan has been implemented and subject to annual review thereafter. For the avoidance of doubt the Travel Plan will require the appointment of a Travel Plan Co-ordinator.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with national and local transport policy.

11 No properties shall be occupied until confirmation has been provided that either:(- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.) Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

12 Prior to the commencement of any development, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, needs to be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary

- Demonstrate that water quality, ecological and amenity benefits have been considered

- Discharge rate from the site is limited to 3l/s or in agreement with the sewerage undertaker in consultation with the Lead Local Flood Authority.
- Ground investigations including:
  - Infiltration in accordance with BRE365 in the areas of proposed permeable paving.
  - Full construction details of all SuDS and drainage components
  - Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
  - Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
  - Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
    - Flow depth
    - Flow volume
    - Flow velocity
    - Flow direction

Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

13 Prior to the commencement of any development, a "whole-life" maintenance plan for the site needs to be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan shall subsequently be implemented in accordance with the approved details.

Reason: The reason for this being a pre-start condition is to ensure that maintenance arrangements have been arranged and agreed before any works commence on site that might otherwise be left unaccounted for.

14 Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason: The reason for this pre-occupation condition is to ensure the Sustainable Drainage System is designed to the technical standards

15 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 Class F of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality and having regard to the very special circumstances which justify this otherwise inappropriate development in the Green Belt..

16 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 Class A of Part 2 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality and having regard to the very special circumstances which justify this otherwise inappropriate development in the Green Belt.

17 No external lighting shall be placed or installed within the site without the prior approval of details by the Local Planning Authority. Details of such lighting shall include full elevational drawings and details of the luminance and light spillage. Any such lighting shall then only be installed in accordance with the approved details and no alterations shall take place the approved scheme, including the type, layout and number of lights, thereafter.

Reason: To protect the amenities of the neighbouring properties and the character of the area and in order to minimise potential disturbance to bats.

18 No development above ground level shall take place until details of the sustainable design of all the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The construction of each building shall be carried out in accordance with the approved sustainable design details.

Reason: Having regard to the sustainable principles of the development and having regard to the very special circumstances which justify this otherwise inappropriate development in the Green Belt.

19 Prior to the commencement of any development full details of the air-to-water source heat pumps and photovoltaic panels for the development hereby approved need to be submitted to and approved in writing by the local planning authority. No individual building shall be occupied until its associated photovoltaic panels have been installed on that building and the air to water source heat pump has been installed. This renewable energy equipment shall be installed in accordance with the approved details and shall thereafter remain operational.

Reason: To increase the proportion of energy requirements arising from the development from decentralised and renewable or low-carbon sources, and having regard to the very special circumstances which justify this otherwise inappropriate development in the Green Belt.

20 Prior to the completion of the development, full details of the proposed boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall then be erected/constructed prior to the occupation of the development hereby permitted and thereafter retained in situ, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the residential curtilage is properly demarcated and to ensure that the boundary fencing is not replaced with a more solid means of enclosure, in order to maintain the openness of the Green Belt.

21 The development shall be undertaken in accordance with the recommendations provided within the Updated Nocturnal Emergence and Dawn Re-entry Bat Survey report produced by Middlemarch Environmental (September 2018). No works of site clearance, demolition or construction shall take place until a European Protected Species Mitigation Licence has been granted by Natural England. A copy of the licence is to be provided to the Local Planning Authority.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and to protect species of conservation concern.

22 Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of native landscape planting and provision of artificial roost features, including bird and bat boxes. Details of a sensitive lighting scheme shall be included, to avoid illumination of new and existing features of benefit to wildlife.

Reason: In the interests of improving biodiversity in accordance with NPPF and policy 24 of the Chiltern District Core Strategy, and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

23 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones" including off-site receptors;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: The prevention of harm to species and habitats within and outside the site during construction in accordance with policy 24 of the Chiltern District Core Strategy.

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

Reason: In order to maintain, as far as possible, the character of the locality and having regard to the very special circumstances which justify this otherwise inappropriate development in the Green Belt.

25 Prior to the occupation of the dwelling or the completion of the development, whichever is the sooner, all planting, seeding or turfing, and biodiversity features, shall be carried out in the first planting and seeding seasons 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 secure a biodiversity net gain, in accordance with Policy CS24 of The Core Strategy for Chiltern District, Adopted November 2011 and the provisions of the National Planning Policy Framework.

26 AP01 Approved Plans

## **CH/2018/0019/FA**

Case Officer: Vicki Burdett  
Date Received: **05.01.2018** Decide by Date: **05.11.2018**  
Parish: **Chalfont St Peter** Ward: **Austenwood**  
App Type: Full Application  
Proposal: **New multi-purpose hall, two storey ancillary building, and additional classrooms over existing single storey wing**  
Location: **Thorpe House School  
29 Oval Way  
Chalfont St Peter  
Buckinghamshire  
SL9 8QA**  
Applicant: **Thorpe House School**

### **SITE CONSTRAINTS**

Article 4 Direction  
Adjacent to A and B Road  
Adjacent to C Road  
Adjacent to Unclassified Road  
Area Special Advertisement Control  
Adjacent Listed Buildings  
Heathrow Safeguard (over 45m)  
Mineral Consultation Area  
A and B Roads  
Northolt Safeguard zone  
On/within 250m rubbish tip  
On/within 1 metre of rubbish tip  
Tree Preservation Order  
Adjoining Common Land  
Common Land  
Adjoining Public Amenity Open Space  
Public Amenity Open Space

### **CALL IN**

Councillor Wertheim has called this application to be determined by the Planning Committee regardless of the Officer's recommendation.

### **SITE LOCATION**

The application site relates to 'Thorpe House School' located in Oval Way, within the built up limits of Chalfont St. Peter. The development on the opposite side of the road is designated as an Established Residential Area of Special Character (ERASC) whilst located to the immediate south of the school site is All Saints Church, a Grade II Listed Building. To the immediate north west and north east of the complex of school buildings are a number of trees that are protected by Tree Preservation Orders (TPO's).

## **THE APPLICATION**

The application proposes the erection of a new multi-purpose hall, two storey ancillary building and additional classrooms over the existing single storey wing.

The proposed MPH (multi-purpose hall) would be sited adjacent to the existing building with a single storey link extension adjoining to the new two storey extension to the existing building. The proposed MPH would be located 4.5m north of the existing building with a distance of 8m from the rear boundary. The MPH would sit 12.4m forwards of the existing front elevation of the northern wing but given the new extensions also proposed to the existing building, the MPH would sit 6.4m back from the main proposed building lines. The proposed MPH would have an overall width of 19.9m, depth of 27.6m and height of approx. 7.7m (incorporating a barrel style roof). The proposed MPH would provide three internal tennis courts.

The proposed two storey extension to the existing school would be constructed to the front of the existing north wing to align with the front elevation of the south wing. The extension would provide changing facilities, office, main entrance and storage at ground floor level and three classrooms at first floor level. The proposed works also include the provision of two additional classrooms and W.C above the existing north wing by virtue of a first floor extension. The additional classrooms would not be constructed above Classroom R2B to allow a larger clearance to the rear boundary with a single storey section retained. The resultant building would have a height of 7.6m incorporating a hipped roof. The single storey link-way would incorporate a screened plant on the roof.

## **RELEVANT PLANNING HISTORY**

CH/2015/2330/FA - Conditional Permission - Retention of Air Conditioning Units (Retrospective)

CH/2013/0702/FA - Conditional Permission - Alterations to existing vehicular accesses and associated hardstanding with ramps and landscaping

CH/2008/1486/AV - Conditional Consent - Four free-standing non-illuminated signs all located along the boundary with Oval Way

CH/2007/1491/AV - Refused Consent - Five free-standing non-illuminated signs all located along the boundary with Oval Way

CH/2005/1843/FA - Conditional Permission - Extension to north elevation of gymnasium and erection of two lift shafts to provide access for disabled people

CH/2005/0368/FA - Conditional Permission - Two storey side extension

CH/2005/0170/FA - Conditional Permission - Replacement of garage door with window

CH/2001/0957/FA - Conditional Permission - Alterations to front elevations

CH/2001/0956/FA - Conditional Permission - Two storey link extension

CH/1993/0700/FA - Conditional Permission - Enclosure of 2 fire escape staircases

CH/1982/0711/FA - Conditional Permission - Single storey extension to garage

## **PARISH COUNCIL**

Chalfont St. Peter Parish Council made the following comments:

23rd February 2018:

'No objection but suggest that the hall could be moved towards Oval Way to reduce the visual impact to the neighbours on Firs End'.

24th July 2018:

'No objection, accept LLFA recommendation'.

## REPRESENTATIONS

A total of 10 contributors have provided comments, comprising of 9 objectors and one supporter.

Objections:

- Potential for noise from new development
- Access and parking is already very busy from the school
- Overdevelopment of the site
- MPH resembles the appearance of an agricultural barn
- Out of character with nearby properties
- Already an existing assembly hall which is under-utilised
- Overbearing and visually intrusive
- Buildings are dominant
- Loss of light to neighbouring properties at the rear
- Second floor windows would overlook neighbouring properties at the rear
- Traffic issues
- Potential for extra use outside of school hours
- Size of the MPH is out of proportion to the needs of the school
- Increase of activity and students
- Site is currently secure and locked, will this change if used out of hours
- Overbearing height of 7.7m
- Detrimental to the local community
- Potential impacts from the proposed tanks

Support:

- Current facilities are limited and out of date
- New development will greatly enhance the school
- New development will benefit the wider community
- Building looks impressive and integrates well with surrounding areas

## CONSULTATIONS

**Bucks County Council Highways Authority** made the following comments (19th January 2018):

'Oval Way is an unclassified road subject to a speed restricted of 30mph. Proposals include the construction of a new multi-purpose hall, with associated additional classroom facilities. The applicant has submitted a Transport Statement (TS) in order to assess the highway implications of the proposed development. This document states that the existing school building will be extended to provide five classrooms, with the change of use of three existing classrooms to an office, library and a store, resulting in an additional two classrooms on site. However, it is my understanding that there would not be an increase in either pupil numbers or the number of staff on site. Whilst it is of my understanding that the applicant is not proposing to increase staff or pupil numbers as part of the proposals; the applicant does make reference to the potential for the building to be used for additional extra-curricular activities. I trust that a suitable condition will be applied to preclude the facility from being let out at the same time that the school is in use. This would ensure that adequate parking is available on the site. An additional two parking spaces are provided on site. Whilst I trust that the Local

Planning Authority will consider the adequacy of the parking provision proposed, I can confirm that the spaces proposed are of adequate dimensions and would allow for vehicles to park and turn clear of the highway, without the need to reverse for long distances onto the public highway in this location. Mindful of the above, I have no objection to the proposals, subject to two conditions'.

**Sport England** made the following comments (7th February 2018):

'The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application. If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes: <http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>.

**Bucks County Council SuDS team** made the following comments (23rd February 2018):

'Based on the information provided, the Strategic Flood Management Team at Buckinghamshire County Council objects to the proposed development. The above application requires further detail regarding surface water management. From the information provided within the planning application documents submitted online, we consider that this is not sufficient in meeting our requirements to complete a SuDS Appraisal. We request that the applicant visit our website, where our requirements are clearly stated. Useful documents which can be found there are our Developer Pack and SuDS checklist, as well as links to other guidance documents and websites. Our website also contains our Local Flood Risk Management Strategy (LFRMS) and Preliminary Flood Risk Assessment (PFRA) which are strategically important documents that should be reviewed. Please take this letter as a formal request for information regarding management of surface water in the form of a comprehensive Drainage Strategy and accompanying Drainage Statement'.

Further comments (25th June 2018):

'Buckinghamshire County Council as Lead Local Flood Authority has reviewed the information provided in the Sustainable Drainage Design Statement (EPG 8836 01, June 2018, The Environmental Protection Group Ltd.). The LLFA has a holding objection to the proposed development. Surface water runoff will be managed via infiltration. Infiltration testing completed in April 2018 has shown that infiltration is feasible as a method of surface water disposal. It is proposed to attenuate runoff in a tank before discharging to a soakaway; it is unclear why this approach has been taken. The Sustainable Drainage Design Statement states that soakaways must be a minimum of 10m from a buildings foundations, it should be noted that this figure is incorrect and that soakaways must not be within 5m of a buildings foundations. Blank infiltration components, such as permeable paving can be closer than the 5m. We are concerned that the Surface Water Management Sustainable Drainage Layout and Details drawing (8836-EPG-ZZ-XX-DR-Y-0001-REV P02, 30/05/2018) shows that tank 2 will have an impermeable membrane around the base. It is understood that the base of an infiltration component is ignored when sizing, due to siltation, however, we request clarification as to why the base is to be constructed within an impermeable membrane. As infiltration techniques have been found feasible, we would encourage the applicant to incorporate permeable paving in areas of hard standing, including the two additional car parking spaces. Permeable paving would also provide additional attenuation and water quality benefits. We would also encourage the applicant to pursue active rainwater harvesting; runoff would be attenuated and could be re-used in toilets. For large rainfall events the rainwater system has an overflow, which in this case could be directed to the soakaway. Using SuDS in a school provides a fantastic



opportunity to educate the school children about water and sustainability; therefore we would suggest small above ground SuDS components such as rain gardens are also incorporated within the drainage scheme. Rainwater downpipes can be disconnected from the main drainage system and re-directed to raised planters. Rain gardens would also provide biodiversity and amenity benefits to the school. We thank the applicant for including the infiltration rate testing results, however we also require a map showing the locations of the trial pits, this is to ensure that the proposed location of the soakaway is has been tested.

Overcoming our holding objection

We require the following information to be submitted:

- Clarification for the requirement for a tank and a soakaway
- Clarification as to why the base of the soakaway is to be lined with an impermeable layer
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Locations of the infiltration testing trial pits
- Consideration of active rainwater harvesting, rain gardens and permeable paving (provide justification for exclusion if necessary).

The above information should be submitted to the LPA, so that the LLFA can be formally re-consulted.

Further comments (27th July 2018):

'Buckinghamshire County Council as Lead Local Flood Authority has reviewed the updated information provided. The LLFA has no objection to the proposed development subject to conditions. Surface water runoff will be managed via infiltration. Infiltration testing completed in April 2018 has shown that infiltration is feasible as a method of surface water disposal. Rainwater downpipes from the new sports hall will be directed into rain gardens, with an overflow to a tank. Due to concerns regarding solution features in the chalk it is proposed to attenuate runoff in a tank before discharging to a soakaway. We would request the following conditions be placed on the approval of the application, should this be granted by the LPA'.

**Bucks County Council Ecology** made the following comments (28th February 2018):

'The extension to the school building will impact into the roof which looks to be composed of pan tiles which can provide bat roosting opportunities. There appears a reasonable likelihood that bats may utilise the site for foraging, commuting or roosting. As the site will be disturbed as a result of development, failure to confirm the presence or absence of bats may constitute a criminal offence. Therefore, a Preliminary Assessment Bat Survey is required to be undertaken by a suitably qualified and experienced ecologist, in order to ascertain the suitability of the site and its surrounding habitats for bats. A Preliminary Assessment Bat Survey should include:

- A desk study - including consultation with local ecological records centres to access any existing data. Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC) is well placed for this.
- A walkover survey - including an assessment of habitats adjacent to the site, particularly areas of woodland.
- A daytime inspection of possible roost locations.
- Evidence of the appointment ecologists credentials as a 'suitably qualified ecologist'.
- Details of survey dates, times and environmental conditions (as appropriate); and details of methods used during ecological surveys. If the survey methods deviate from published 'best practice guidance', this must be justified within the report or agreed in discussion with the Local Planning Authority.

A preliminary assessment for bats is not time limited, however if any subsequent surveys are required then these are likely to be limited to summer months. Chiltern District Council (CDC) can refuse permission if

adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on biodiversity and thus meet the requirements of the NPPF and the Conservation of Habitats and Species Regulations 2010. Section 99 of ODPM Circular 06/2005 also states: 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and /or planning obligations, before permission is granted.

Further comments (1st May 2018):

'We have received the ecology report which was uploaded onto the planning portal recently. We are happy that there will be no impact to ecology from these proposals and that a biodiversity net gain can result, providing all the recommendations within the report are adhered to in full. Please include a bat information with an positive determination of this planning application'.

Without adequate survey information it is not possible for the Local Planning Authority to be confident that the favourable conservation status of the European protected species will be maintained. If determination is positive we advise that a badger and breeding bird informative is included within the documentation. If you have any queries regarding this advice please do not hesitate to contact me'.

**The District Historic Buildings Officer** made the following comments (18th April 2018):

'Thorpe House School is an independent boys school situated at the north end of Oval Way on either side of the grade II listed All Saints Church. The proposal is for a new multi-purpose hall and the extension and adaption of the existing single storey buildings on the pre-prep site to the north of the church. The proposal site is not in a conservation area but does lie adjacent to the Firs Estate Conservation area. While the church plot abuts the boundary of the conservation area directly, the proposal site does not, and is separated from the conservation area by Firs End and its houses and so it can only be regarded as forming part of the setting of the conservation area in a wider sense. The application has received two sets of pre-application comments (CH/2017/40045/IQL and CH/2017/40159/IQM) which focused solely on the impact of the development on the listed church. This application will be assessed not only in terms of its impact on the grade II listed church but also on the setting of the conservation area. All Saints Church was begun in 1912 and was designed by the ecclesiastical architect Temple Moore in an arts and crafts style. It is constructed of brick with stone dressings with the exception of the porch on the north elevation which has timber framing. Only the north aisle of the design was ever built due to a lack of funds. The original design would have been two thirds larger and would have loomed over the newly built suburbs for which it was to serve as the parish church. Despite only one third having been built the existing building is a large and prominent local landmark for the area. The south elevation retains the arches that would have connected through to the nave, these have now been bricked up and new windows inserted with stone tracery of similar style Temple Moore's window in the north wall. Stump walls remain for attaching the tower and chancel. Gradually the north aisle has been adapted to form a complete church and a vestry with a cat slide roof added to the north elevation. The significance of the church is as a partially executed suburban church that was designed to dominate the suburbs that had developed with the extension of the railway into the area. It is by a named architect who trained with George Gilbert Scott and many of whose other ecclesiastical buildings are listed. The Firs Estate conservation area is a series of four residential roads mostly developed in the early twentieth century leading off Austenwood Common. The houses are varied in character but largely built in an Arts and Crafts style. The initial pre-application

comments (CH/2017/40045/IQL) were not opposed in principle to a building on the site to the north of the church where the pre-prep school is based. However the scale of what was proposed was seen to be harmful to the setting of the church, diluting its prominence within the area. The materials were also considered to be alien within the context of the church. Informal advice was received in July 2017 in which it was suggested that the multi-purpose hall was relocated to the area to the north of the single storey buildings on the pre-prep site. The second preapplication built on this discussion (CH/2017/40159/IQM). The hall was relocated and reduced in height, the additional changing rooms and classrooms were moved into a new two storey extension and additional floor to the existing single storey buildings which also reduced the hall in width. The hall was to be clad more fully in cedar wood to reduce its visual impact. At a meeting in connection with the pre-app it was suggested that the extension should be moved forward to sit in line with the existing single storey building on the south side of the tarmac and the hall moved further back and screened with trees. The plans were amended and the effect was to reduce the impact further when the listed church and hall are viewed together on Oval Way in front of the church and school gates. The current application is the product of the previous discussions. My view remains that the hall is without doubt a large building and difficult to "hide". However the placing of the hall on the north side of the existing buildings removes it further from the listed church, the extension and additional floor on the single storey building will screen the hall from views from the church porch when entering and exiting the listed building. The proposed planting of trees to the front and the projection of the two storey extension in front of the hall will all help to soften the hall's impact when viewed from Oval Way in the context of views of the church. Although the scale of the hall will inevitably dilute the dominance of the church to a degree, it is accepted that there are already several large houses opposite the church on Oval Way and Oakamoor on Firs End that have already achieved this. Where I have a concern with regard to this application is with the proposed materials for the cladding of the hall. Previous discussions had encouraged the applicants to clad the building in cedar. This application shows the hall partially clad in Siberian larch and "Areas of the façade that are either visually screened by trees or not visible from Oval Way are to be Goosewing grey composite panels". This was not made so clearly apparent in the drawings at pre-application stage. This in effect amounts to the rear half of both of the long sides and the west elevation which faces the conservation area being clad in grey panels. The building should be clad uniformly in timber to soften its impact on this sensitive site. The west elevation faces the conservation area and the impact would be considerably softened by the use of a natural materials rather than grey composite panels. The north elevation facing the B416 is screened by the trees and undergrowth in the summer months but in the winter is more readily visible when leaf cover is less and uniform timber cladding would again soften the impression of the building. It is accepted that there is a degree of harm to the setting of the listed church and to a much lesser degree on the setting of the conservation area, however this is offset by the public benefit of such a facility in line with NPPF 134 "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use" I therefore recommend conditional consent on the basis that the harm is offset by the public benefit, that is provided the plans are amended in line with my comments regarding the use of uniform timber cladding'.

**Chiltern District Council Environmental Health - Contaminated Land (3rd August 2018):**

'The proposed development involves the construction of a new multi-purpose hall, two storey ancillary building, and additional classrooms over existing single storey wing. The site appears to have been previously developed. There have been buildings onsite since the 1937-1938 epoch. The site is labelled Thorpe House School from the 1961-1971 epoch onwards. Some buildings were added during the interim period. There a number of site within close proximity of the school that have had previous potentially contaminative uses. These include a brickworks (Walbrooke and Melville) and two gravel pits (1874-1891) and a filter bed (1924-1925). There are two areas of unknown filled ground nearby. The site is also in close proximity of two areas of historical landfilling, these are Kinscote School (no information) and Oval Way, Packhorse Road, Chalfont St Peter (first input 31/12/1960, last input 31/12/1967, inert, industrial commercial, household). Schools are

considered to have a sensitive end use. Therefore an assessment of the risks associated with the on-site and off-site sources of contamination will be required. Based on this, the standard Land Quality Condition is required and any subsequent applications for the site'.

**District Tree Officer** (16th August 2018):

'Tree Preservation Order No 4 of 2012 protects an oak tree and five lime trees on the site. The proposed hall would require the loss of some young willows about 6-8m in height and some shrubs, which are not considered to be important. There is a line of oak trees along the edge of the playing field adjacent to the boundary with Austenwood Common. These are generally about 15m in height and have grown leaning outwards over the playing field for light. However the most important is a large upright oak over 20m in height growing in the north-western corner of the site which is protected by the Tree Preservation Order. This tree would be the closest oak to the proposed hall and would be about 15m from the building. At this distance there would be no significant root damage but it would be sensible to have tree protection fencing to avoid the risk of accidental damage to these trees. No other trees would be affected by the proposal. The protected lime trees on the Oval Way boundary are well clear of the proposed development. The Site Plan shows some indicative tree planting to the front and rear of the proposed hall which could help to soften the appearance of the building. I have no objections to the application provided there is adequate protection for the trees'.

**Chiltern District Council Environmental Health - Noise/Odour** (18th September 2018):

'No objections subject to conditions'.

## **POLICIES**

National Planning Policy Framework

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS20, CS25, CS26, CS28 and CS29.

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies - GC1, GC2, GC3, GC4, GC14, CSF1, R3, LB2, TW3, TR2, TR3, TR12, TR15, TR16.

Sustainable Construction and Renewable Energy Supplementary Planning Document (SPD) - Adopted 25 February 2015

Chalfont St. Peter Neighbourhood Plan - November 2016: Policies LC1 and LC2

## **EVALUATION**

### **Principle of development**

1. The application site is located within the built up area of Chalfont St. Peter where in accordance with Local Plan Policy R3, the Council will permit the provision of indoor sports facilities in built-up areas excluded from the Green Belt, provided that it complies with the relevant Development Plan Policies.

2. It is noted that Recommendation 3 of the Chiltern District Council Indoor Sport and Leisure Facility Strategy 2015 - 2045 (published in April 2016) is to invest in school sports facilities that accommodate community access. Furthermore, Policy CS28 of the Core Strategy seeks to improve leisure and recreational facilities, and Chapter 8 of the NPPF attaches great weight to the expansion of schools and the provision of opportunities for sport and recreation.

3. As the proposal will result in the loss of part of the playing field associated with the school, Sport England were consulted and their response is summarised above. The site benefits from a large area of open amenity space and with the proposed multi-purpose hall located adjacent to the existing buildings on site, the majority of the open space for playing areas and play equipment remains open with a total of 2400sqm for outdoor recreation.

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

4. Local Plan Policy GC1 refers to the design and appearance of the development and requires all proposals to be assessed with regard to the scale of development, height, siting and relationship with adjoining boundaries and highway, car parking, materials, form, detailing of building work in sensitive locations and design again crime.

5. The proposed extension and multi-purpose hall are located within close proximity to the Grade II Listed All Saints Church to the south. The Districts Historic Buildings Officer raised no objections to the location of the multi-purpose hall but raised concerns with the materials proposed in this sensitive location. A condition will be included for details of the materials proposed for the hall which will then be assessed by the Historic Buildings Officer.

6. In regards to the size, bulk and scale of the extension and buildings, there is no doubt that the proposed multi-purpose hall is large and would be readily visible in the street scene of Oval Way. However, it is not uncommon for sports halls to be of this size when associated with schools in order to accommodate most students. As aforementioned above, the proposed hall would have a width of 19.5m, depth of 27.5m and height of 7.7m (covering approx. 536sqm of floor area). The existing buildings on site have a maximum height of 4.7m and are quite small in overall scale situated in a courtyard sequence. The proposed extensions would result in an overall height of approx. 7.5m with the multi-purpose hall serving a height of 7.7m. However, there are buildings within the area of similar heights so this is not considered out of character or detrimental to the wider locality.

7. The proposed design details of the extensions to the north wing would resemble closely with the appearance of the existing buildings on site, with similar hipped roofs, fenestration and materials. The buildings will be linked by a single storey section which is moderate in size and scale. As such, subject to conditions regarding the materials of the proposed multi-purpose hall, the proposed scheme is not considered to detrimentally harm the character and appearance of the area or the listed building.

#### **Residential amenity**

8. Local Plan Policy GC3 refers to the protection of amenities throughout the district. It states that good standards of amenity for the occupiers of the development and neighbouring properties must be achieved. However, where amenities are impaired to a significant degree, planning permission will be refused.

9. As aforementioned above, the proposed MPH would be sited approx. 8m away from the rear boundary of residential property 'Oakamoor'. The neighbouring dwelling is further located 18m from the rear boundary. The area to the rear of the MPH will be fenced off with gated access and the use of planting along the rear boundary to provide a source of screening. The resultant building would be visible from 'Oakamoor' but it is not considered that the MPH would appear overbearing, obtrusive or result in any loss of light.

10. The proposed first floor extension to the northern wing would result in a maximum height of 7.5m which would be approx. 2.6m higher than the existing roof. As mentioned previously, the section closest to the rear boundary would be retained at single storey level with a hipped roof and a depth of 7m. The proposed two storey section would be located approx. 12m from the rear boundary adjoining the rear garden of No. 1 Firs

End where the dwelling is located a further 16m away from the rear boundary totalling a 23m separation from the two storey section of the northern wing. Concerns have been raised from neighbouring properties regarding the proposed roof lights which are to be installed in the north flank roof slope to face the proposed MPH. However, due to the height of the roof lights approx. 3m above the floor level, this would be difficult to look out of and would be utilised as a source of natural daylight only. As such, the roof lights are not considered to be a concern or overlook neighbouring properties.

11. Overall, the proposed MPH and extensions would be visible from neighbouring properties to the rear but would not be considered to be overbearing or detrimental to their amenities. The proposed screening along the rear boundary will be conditioned to ensure an adequate level of planting is carried out to prevent an overbearing outlook for neighbouring property; Oakamoor. Furthermore, in regards to potential noise pollution, the Environmental Health Officer has requested for a noise management plan detailing control methods for noisy activities and non-sports related events. The Noise Management Plan will need to specify the operational hours, days of week and frequency use which will need to be approved prior to the occupation of the proposed buildings.

12. Therefore, the proposed multi-purpose hall and extensions are not considered to detrimentally harm the amenities of neighbouring properties.

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

13. A Transport Statement has been submitted and Bucks County Council Highways have provided comments. In regards to parking provision, Local Plan Policies TR11 and TR16 specify the parking standards for development, in this case, one space per additional classroom is required. The proposed scheme would therefore require an additional five parking spaces. However, it has been specified in the application details that three existing classrooms in the existing building will be changed to a storage room, resource room and library. Therefore, only two additional spaces are required which have been illustrated in the application details. A condition will be imposed to ensure these classrooms are converted prior to the occupation of the extension and MPH.

#### **Conclusions**

14. To conclude, the proposed scheme is recommended for approval.

#### **Working with the applicant**

15. 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.

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**

16. 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 works commence on the construction of the multi-purpose hall, a sample of the timber cladding, together with details of the materials and appearance of the roof shall be submitted to and approved in writing by the Local Planning Authority. The multi-purpose hall shall be constructed only in accordance with the approved details.

Reason: To ensure that the appearance of the development is not detrimental to the setting of the listed building or conservation area

3 C433 Materials General Details

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows other than those expressly authorised by this permission, or as subsequently agreed in writing by the local planning authority, shall be inserted or constructed at any time at first floor level or above in the west elevation of both the extension and multi-purpose hall hereby permitted.

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

5 Prior to the commencement of development hereby approved further details of the proposed planting at the rear boundary of the site and proposed fencing and gate access shall be submitted to and approved in writing by the Local Planning Authority. This area shall then be maintained and not used for any other purpose.

Reason: To safeguard the visual amenities of the locality and the privacy of the adjoining properties.

6 Prior to the occupation of the extensions and multi-purpose hall hereby approved the existing classrooms (PP-13, PP-14 and PP-15) shall be converted to a storage/locker room, resource room and library as illustrated on drawing 2327 (received on 25.09.2018). These rooms shall not be converted back to classrooms unless further permission is granted.

Reason: To ensure an adequate amount of parking is provided on the site, in accordance with Local Plan Policies TR11 and TR16.

7 No part of the development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the County 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 Traffic Management Plan.

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

8 The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other 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.

9 Prior to the commencement of development hereby approved the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

i) A preliminary risk assessment which has identified:

- All previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other off-site receptors.

10 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

The above must be in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 9, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 9.



Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

12 The development hereby approved shall be carried out in accordance with the approved Surface Water Management Sustainable Drainage Layout and Details (8836-EPG-ZZ-XX-DR-Y-0001 P03, 02/07/2018, Environmental Protection Group Ltd).

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to ensure that surface water is managed in a sustainable manner.

13 Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the approved scheme.

Reason: To ensure the Sustainable Drainage System is designed to the technical standards.

14 Before any site works commence on the development hereby permitted the tree protection as detailed on the approved Tree Protection Plan (Nov 2017) shall be erected around all the trees and hedges to be retained in accordance with both this plan and British Standard 5837:2012. The fencing shall then be retained in these positions until the development is completed. Within these enclosed areas there shall be no construction works, no storage of materials, no fires and no excavation or changes to ground levels. These protection measures shall be implemented in accordance with the details on the approved plan.

Reason: To ensure that the existing established trees and hedgerows within and around the site that are proposed to be retained are safeguarded during building operations, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

15 Prior to the occupation of the Multi-Purpose Hall hereby approved a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should specify:

- Intended use
- Operational hours, days of week and frequency of use
- Control methods for noisy activities
- Controls for music and other non-sports related events

Reason: In order to protect the amenities of neighbouring properties.

16 The development hereby approved shall be carried out in accordance with the design criteria used in the acoustic consultant's report produced by industrial Noise and Vibration Centre Limited Report No 9164 and that prior to commencement of operations acoustic testing must be undertaken to confirm that the acoustic insulation and mitigation meets the criteria designed in the acoustic consultants report.

Reason: In order to protect the amenities of the occupiers of neighbouring properties.

17 At no time shall the development hereby approved be used for non-sports related activities between the hours of 11pm - 7am.

Reason: In order to protect the amenities of the occupiers of neighbouring properties.

18 All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.

Reason: In order to protect the amenities of the occupiers of neighbouring properties.

19 All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.

Reason: In order to protect the amenities of the occupiers of neighbouring properties.

20 All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of :

- 8.00am and 6.00pm on Mondays to Fridays
- 8.00am and 1.00pm Saturdays
- and at no time on Sundays and Bank Holidays

Reason: In order to protect the amenities of the occupiers of neighbouring properties.

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## **INFORMATIVES**

1 **INFORMATIVE:** The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.

2 **INFORMATIVE:** All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.

3 **INFORMATIVE:** Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.

4 **INFORMATIVE:** 'BS 5228 Noise Control on Construction Sites' should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.

5 **INFORMATIVE:** All efforts shall be made to reduce dust generation to a minimum.

6 **INFORMATIVE:** Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.

## **CH/2018/0825/FA**

Case Officer: Lucy Wenzel  
Date Received: **08.05.2018** Decide by Date: **29.10.2018**  
Parish: **Penn** Ward: **Penn And Coleshill**  
App Type: Full Application  
Proposal: **Redevelopment of site to provide a pair of semi-detached dwellings, served by new access, gates, associated amenity space and car parking**  
Location: **Kerns**  
**11 Woodlands Drive**  
**Knotty Green**  
**Buckinghamshire**  
**HP9 1JY**  
Applicant: **4 Lee's Limited**

### **SITE CONSTRAINTS**

Adjacent to Unclassified Road  
Mineral Consultation Area  
Within 500m of Site of Importance for Nature Conservation NC1  
Townscape Character

### **COMMITTEE CALL IN**

The application has been called to Committee by Councillor Waters should the Officer's recommendation be for approval.

### **SITE LOCATION**

The site is located to the north of Knotty Green along Woodlands Drive and currently comprises a detached dwellinghouse. Within the site surroundings the dominant dwelling type is that of large detached properties sited within spacious plots with a mixed character type.

### **THE APPLICATION**

The application seeks planning permission for the redevelopment of the site to provide a pair of semi-detached dwellings, served by new access, gates, associated amenity space and car parking.

The proposed building measures 16.4 metres in width with an overall depth of 16.3 metres. The roof will be hipped with a ridge height measuring 9 metres and eaves measuring 4.8 metres. The building would be set in by approximately 1.5 metres from the eastern flank boundary and approximately 1.6 to 1.9 metres from the western flank boundary.

The proposed materials are fairfaced red brickwork and clay tiling for the roof.

Each dwelling would have an open plan kitchen/dining and living room, utility room, W/C, family room and garage on the ground floor with three bedrooms and two bathrooms on the first floor, with a further bedroom, bathroom and games room contained within the roof space.

Access would be taken from Woodlands Drive which will lead onto an area of hardstanding constructed from block paving to serve each property.

A Bat Survey and Design and Access Statement have been submitted with the application.

## RELEVANT PLANNING HISTORY

None.

## PARISH COUNCIL

"Strong objection - the bulk and scale of the building is over dominant on its neighbours and out of keeping with the street scene. The plans do not adequately show the location of the building in relation to its neighbours. We are particularly concerned about the visible rear bulk, causing loss of privacy and loss of light to neighbours."

Amended plans were subsequently sought and the Parish Council were reconsulted. They provided further comments which are set out below.

"Strong Objection - alterations do not address our previous concerns about the bulk and scale of the building which is over dominant on its neighbours and out of keeping with the street scene. We are particularly concerned about the visible rear bulk, causing loss of privacy and loss of light to neighbours. Concern, there is inadequate parking for the number of bedrooms."

## REPRESENTATIONS

20 letters of objection have been received which are summarised below:

- The proposed building is far too big for the plot.
- The development is out of keeping with the rest of the houses on the road.
- The redevelopment of the site into a pair of semi-detached houses is not in keeping with the properties in the vicinity, which, contrary to the design application, does not contain a "mix of dwelling types".
- The style and material of the property are not in keeping.
- Given the proposed garage and parking available on the property and the fact there will be an increase in cars, there is not reasonable space available on site to park all of these.
- The scheme does not reflect the average density of the zone immediately adjoining the site.
- Overdevelopment of the site.
- The size and particularly the depth will be intrusive and overbearing and would dominate the existing views.
- Adversely affect the residential amenity of neighbouring owners.
- Proposal will set a precedent.
- The scale, height, roof design and depth proposed in the plans are significantly at odds with neighbouring properties in Woodlands Drive.
- There will be a loss of privacy and it will create overshadowing.
- The dwelling will have an overbearing appearance.
- The design spoils the residential aspect of the road.
- The access point is unworkable as it serves two dwellings.
- The lack of front garden would be an eyesore and totally out of keeping with the private front gardens existing.

Following the submitted amended plans, a further 18 letters were received stating objections which raised similar points to the previous comments stated above. Additional comments have however been summarised below:

- The changes to the plans are negligible.
- The property remains to be too deep and will impact heavily on neighbouring dwellings in terms of light and visual outlook.
- The proposal remains to be visually overbearing.
- Whilst the depth has been reduced, it remains significantly in excess of other properties.
- The proposal remains materially out of scale in its overall massing.

## **CONSULTATIONS**

### **Adjacent Local Planning Authority - South Bucks**

"This Council has considered the above application and raised no objection to the application subject to your authority ensuring that the proposal complies with all relevant policies contained in the adopted Development Plan and guidance contained in the National Planning Policy Framework."

### **Chiltern and South Bucks Building Control - Fire Fighting Access**

"I am able to confirm that the design appears satisfactory with regard to the requirements for Fire Brigade Access. However, Disabled access and facilities appear inadequate as the ground floor WC accommodation is not in accordance with the requirements of Approved Document M."

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

"Woodlands Drive is an unclassified road subject a speed limit of 30mph. The application seeks planning permission for the redevelopment of the site to provide a pair of semi-detached dwellings served by a new access.

In terms of trip generation, I would expect each residential dwelling to generate approximately 4-6 daily vehicular movements (two-way). As there is already one dwelling on the site, the overall development has the potential to generate an additional 4-6 daily vehicular movements (two-way). I am satisfied that these additional vehicle movements can be accommodated within the local highway network.

The two dwellings will be served by a centralised shared access. As this will be a new access, it is imperative to ensure that the access is safe and suitable to accommodate traffic movements. In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions commensurate with a speed limit of 30mph. Having reviewed the submitted plans, I am satisfied that adequate visibility splays can be achieved from the proposed access within land owned by the applicant or within the publicly maintained highway.

In terms of parking provision, three parking spaces are proposed per dwelling. I trust the Local Planning Authority will comment on the level of parking provision provided 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 subject to conditions being included in any planning permission you may grant."

### **Ecological Consultant**

"Objection pending further information

We note that there were no ecological reports included in the information provided for this application. Due to the vernacular of the building, the nature of the site itself, we advise that ecological surveys are required.

All species of bat and their roosts are protected under The Conservation of Habitats and Species Regulations 2010 which make it an offence to undertake activities that may kill, injure or disturb an individual or damage or destroy a breeding site or resting place of that individual.

Consequently, there appears a reasonable likelihood that bats may utilise the site for foraging, commuting or roosting. As the site will be disturbed as a result of development, failure to confirm the presence or absence of bats may constitute a criminal offence. Therefore, a Preliminary Assessment Bat Survey is required to be undertaken by a suitably qualified and experienced ecologist, in order to ascertain the suitability of the site and its surrounding habitats for bats. A Preliminary Assessment Bat Survey should include:

- A desk study - including consultation with local ecological records centres to access any existing data. Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC) is well placed for this.
- A walkover survey - including an assessment of habitats adjacent to the site, particularly areas of woodland.
- A daytime inspection of possible roost locations. o Evidence of the appointed ecologists credentials as a 'suitably qualified ecologist'.

- Details of survey dates, times and environmental conditions (as appropriate); and details of methods used during ecological surveys. If the survey methods deviate from published 'best practice guidance'<sup>1</sup>, this must be justified within the report or agreed in discussion with the Local Planning Authority."

A Preliminary Assessment Bat Survey was subsequently submitted and the Ecology Consultant provided further comments.

"Recommendation: No objection; if minded to approve please attach a condition relating to the safeguarding measures mentioned in the Bat Survey.

I have reviewed the Bat Survey produced by Arbtech Consulting Ltd (August 2018) and are satisfied that the presence of protected species has been sufficiently assessed. If minded to approve, the development must be undertaken in accordance with the recommendations of the Bat Survey."

## **POLICIES**

National Planning Policy Framework (NPPF), July 2018

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS8, 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, H11, H12, H18, TR2, TR3, TR11, TR16 and TW3.

Sustainable Construction and Renewable Energy Supplementary Planning Document (SPD) - Adopted 25 February 2015

## **EVALUATION**

### **Principle of Development**

1. The site is located within the built up area of Knotty Green where, in accordance with Local Plan Policy H3 of the Adopted Chiltern District Local Plan, proposals for new dwellings are acceptable in principle, provided there is no conflict with any other policy in the Development Plan, and providing that the proposed development is compatible with the character of those areas 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. In addition, Core Strategy Policy CS20 also states that the Council will require that new development within the District is of a high standard of design which reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness.
3. All other relevant Development Plan Policies should be complied with.

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

4. The application site currently comprises a large 2 storey detached dwelling. As it currently stands, the dwelling is in a dilapidated state and is in direct contrast to those surrounding dwellings which are of larger stature with more modern designs. Woodlands Drive has a varied nature of dwellings in terms of appearance but there remains a cohesive character due to the detached large scaled nature of the dwellings.
5. The proposed scheme seeks permission for the erection of a pair of semi-detached dwellings covering an identical width of built form across the site as the existing dwelling but there will be an increase in built form in terms of overall depth. Taking into account the plot size, it is considered to be of a depth which could accommodate an increased dwelling depth. The style, design and spread of development of the 2 plots will reflect the design and appearance of those surrounding dwellings and so will not interrupt the already established and permitted street pattern. The proposed dwellings will have frontages which face onto the highway with the prevailing building line corresponding to the existing.

6. The design of the dwellings has been carefully considered to integrate well with the existing street scene. Living accommodation in the proposed dwellings is set over three levels and is partly achieved through the inclusion of rooflights that allow for habitable accommodation in the roofspace. The appearance would therefore be of two storey properties with further accommodation in the roofspace. The presence of a third floor would not be easily discernible from the front elevation. As previously stated, the proposed dwellings have been designed as a semi-detached pair. Whilst it is acknowledged that this is at variance with the street scene; (given that all dwellings are detached dwellings); the visual appearance of the pair is considered to relate to that of a detached dwelling. The hipped roof corresponds to neighbouring dwellings and the overall width of the dwellings is in proportion to those surrounding. When viewing the proposal from the Woodlands Drive, it will not appear visually as odds or in contrast to the street character. Although there will be variance in appearance when compared to the existing dwelling on site, it would not be in disparity to direct neighbours and the wider street scene, as a whole such that the proposed dwellings are considered to sit well within the street. Overall, the proposal is considered to be in-keeping with the prevailing development type in the area, with the dwellings having a visual appearance of a detached dwelling, and the design and proportions being considered compatible with the character of the existing dwellings in the vicinity.

### **Neighbouring Amenity**

7. The proposed semi-detached dwellings will be sited on the footprint of the existing dwelling albeit with an increased depth. This depth increase will be predominately sited centrally comprising of an 'L' shaped rear element. In comparison to the existing rear building line, the proposal does significantly increase the depth but when viewed against either neighbouring dwelling this increase is not as substantial. The staggered design reduces any visual intrusion and additionally, the 'L' shaped rear will reduce in depth at first floor level and so further reduces any impingement. As already aforementioned, the width of the building does not alter from that existing on site but given that the built form on the existing western flank is an attached single storey garage there will be an alteration to the visual proximity of the proposed dwellings to the western neighbour. Although this is acknowledged, there would remain a distance of over 1.5 metres to the flank boundaries which is considered to be satisfactory.

8. Given the layout and positioning of the site being in relative close proximity to neighbouring dwellings, the increased number of windows to the rear and flank elevations have the potential to result in overlooking and encroachment upon privacy levels. Concerns have been raised in relation to this increase and also the rooflights proposed. With regards to the rooflights, these are located in both the rear and flank roof slopes and as such face towards the rear amenity spaces and flanks of both neighbours. However, given that they are located within the roof slopes they pose a minimal impact upon amenity levels. Those flank elevation windows proposed at first floor have also raised concerns but as these will be obscurely glazed; which will be secured by condition; these are considered to be acceptable.

9. Overall, whilst it is acknowledged that there is an increase in bulk and the level of openings, the resultant relationship from the semi-detached dwellings and each neighbour is considered acceptable. Spacing to either flank boundary is maintained and consideration has been made in terms of the design of the dwelling in order to minimise any potential detrimental impacts occurring to existing amenity levels.

10. The proposed rear amenity space for the semi-detached dwellings measures to a similar depth to either neighbouring dwelling of between 40.5 metres to 36.5 metres, with widths of approximately 10 metres. Timber fencing will be used to separate the gardens for each dwelling. Whilst it is acknowledged that the scale of the gardens are reduced from those surrounding gardens along Woodlands Drive, due to the proposal being for a semi-detached pair, it is considered that the proposed rear amenity space is comparable to neighbours given that they have an identical depth. Correspondingly, the level of amenity space in relation to the dwelling size is generous and as such provides adequate amenity space for future residents.

### **Parking/Highways implications**

11. The access point proposed sits centrally to the front of the plot providing a joint access point to each dwelling. Taking note of the Highways comments, it is considered that the local highway network can easily accommodate the additional vehicular movements that a further dwelling will generate and that the access point can achieve the required visibility splays. Integrated garages are proposed, with their future use secured by condition to ensure that they are maintained as parking facilities. With the dwellings measuring at over 120 square metres in footprint, three parking spaces are required to meet the parking standard in Policy TR16. With one space per dwelling accommodated within the garages, the hardstanding sited to the front of the semi-detached pair can accommodate the additional two spaces required. As such the proposal complies with Local Development Plan Policies TR2 and TR16.

### **Affordable Housing**

12. 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 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.

### **Ecology**

13. Taking note of the Ecological Officers comments, it is concluded that the presence of protected species has been sufficiently assessed. The Ecologist raises no objection subject to a condition ensuring that the development is undertaken in accordance with the recommended safeguards provided within the Bat Survey.

### **Working with the applicant**

14. In accordance with Section 4 of the National Planning Policy Framework, the Planning Authority, 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.

The local planning authority works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- 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 C108A General Time Limit

2 Prior to the commencement of construction work above ground level, details of the materials to be used for the external construction of the development hereby permitted, including the surface materials for the hardstanding and access, shall be made available to and approved in writing by the Local Planning Authority. The development shall only be carried out in the approved materials.



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

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

Reason: To protect, as far as is possible, the character of the locality, in accordance with Policies GC1 and H3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and Policy CS20 of The Core Strategy for Chiltern District, Adopted November 2011.

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

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

5 Within one month of the new access being brought into use all other existing access points not incorporated in the development hereby

permitted shall be stopped up by raising the existing dropped kerb or removing the existing bellmouth and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary. For the avoidance of doubt the applicants will be required to enter into a S184 Agreement with the Highway Authority in order to comply with the requirements of this condition.

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

6 The development shall be undertaken in accordance with the recommended safeguards provided within the Bat Survey produced by Arbtech Consulting Ltd (August 2018). Prior to the commencement of development above ground level, details of ecological enhancements shall be submitted to and approved by the Local Planning Authority. The scheme must include details of native landscape planting and provision of artificial roost features, including bird and bat boxes, to achieve a net gain in biodiversity.

Reason: In the interests of improving biodiversity in accordance with NPPF and policy 24 of the Chiltern District Core Strategy and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows or roof lights other than those shown on the approved plans, shall be inserted or constructed at any time at first floor level or above in either flank elevation of the roof or of the dwellings hereby permitted.

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

8 The proposed windows in either flank elevation of the semi-detached dwellings hereby approved shall only be glazed with obscured glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

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

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

Reason: In order that the Local Planning Authority can properly consider whether any future proposals will constitute overdevelopment of the site or will in any other way be detrimental to the character of the locality or the amenities of neighbouring properties.

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

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

4 **INFORMATIVE:** All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), including their nests (whilst in use or being built) as well as any eggs the nest may contain. Therefore, vegetation should not be removed nor buildings demolished during the bird nesting season. This is weather dependant but generally extends from 1st March to 31st August (inclusive). If this is not possible, a qualified ecologist should check the areas concerned immediately prior to vegetation removal/building demolition to ensure that no nesting or nest-building birds are present. If any nesting or nestbuilding birds are present, no vegetation/building demolition shall be removed until the fledglings have left the nest.

## **PL/18/2195/FA**

Case Officer: Adam Pegley  
Date Received: **08.06.2018** Decide by Date: **02.11.2018**  
Parish: **Chenies** Ward: **Ashley Green Latimer And  
Chenies**

App Type: Full Application  
Proposal: **Change of use of equestrian facilities to a mixed use of equestrian and canine facilities.**  
Location: **Land at New House Farm  
Farm Road  
Chorleywood  
Buckinghamshire  
WD3 5QB**  
Applicant: **Mrs S Chamberlin**

### **SITE CONSTRAINTS**

Article 4 Direction  
Area Special Advertisement Control  
Adjacent Listed Buildings  
Within Chilterns Area of Outstanding Natural Beauty  
Adjacent Public Footpaths and Public Rights Of Way  
Within Green Belt other than GB4 GB5  
North South Line  
Public footpath/bridleway  
Gas and Oil Pipe Lines  
Adjoining Ancient Woodland

### **SITE LOCATION**

The site is located at the rear of New House Farm, Chorleywood, and is accessed via a private road within the grounds of New House Farm. This in turn is located off Farm Road, Chorleywood. The site is located within the Green Belt and the Chilterns Area of Outstanding Natural Beauty.

### **THE APPLICATION**

The application is for retrospective planning permission for the change of use of the buildings and fields to the rear of New House Farm (formerly known as Fairfield Stables, now known as Doberdayz) from equestrian facilities to a mixed use comprising equestrian and canine facilities.

The resultant use of the site is primarily as a dog training and behavioural centre, with various classes throughout the week. The buildings on the site are also used as part of a dog day care and walking business. The fields are utilised primarily for the dog training classes, with the field to the East of the site retaining some equestrian use as well as being used for walking dogs.

### **RELEVANT PLANNING HISTORY**

None relevant.

## PARISH COUNCIL

Chorleywood Parish Council:

Object on grounds of inappropriate development within the Green Belt, and not complying with Local Plan Policy GB2. The road provision is not suitable for the proposed business, which will require additional traffic on a single track road. The impact this will cause is contrary to Policies GC3 and GC7.

## REPRESENTATIONS

The applicant has submitted a planning statement with this application, dated 8 June 2018.

The applicant has submitted additional information regarding the levels of use at the development site, dated 11 September 2018.

A design and access statement has been submitted with the application, and a separate flood risk assessment.

The applicant's agent submitted an additional comment on 30 July 2018 in relation to recent changes to the NPPF and highlighted paragraph 146 as supporting their application.

Contributor Letters:

69 letters of objection, 67 letters of support and 2 letters commenting stating the following (summarised):

In Objection:

- Inappropriate development within the Green Belt
- Development detracts from the AONB
- Inappropriate infrastructure/unsuitable location
- Issues of privacy
- Concerns over noise/barking
- Intrusion in the countryside
- Inadequate access to the development site, unsuitable track
- Highway safety concerns regarding Farm Road access, risk of accident
- Too much traffic, particularly at the road junctions and on access track
- Not enough parking on site
- Issues over visibility/line of sight when driving to the site
- Horse/dog mix on the same site not satisfactory, risk of distress
- Application may set a precedent
- Rubbish attributable to the site found in other areas
- Concern over the living conditions for the dogs
- The private track/road to the site is unsuitable
- Site is poorly fenced
- Retail on site unrelated to the business
- Letters of support are not from immediate neighbours
- Ecology concerns including impact on the Woodland to the North East
- Concern over future expansion of the site

In Support:

- Exceptional service provided to local community
- Professional and credible
- Clearly signposted with traffic signs
- Suitable setting for the business
- Innovative rural business, well run
- Ideal location, grass being essential training ground for competing dogs

- The yard and track have had substantial improvements
- Support for the local economy providing 9 jobs
- Every effort is made to minimise barking
- New way to utilise Green Belt space appropriately
- Attractive for young people
- Development does not alter Green Belt
- Business educates dog owners on social responsibility
- Fields are well maintained
- Outdoor dog training is essential and more suitable than indoor locations
- Supports local community events
- Traffic generation is not unduly damaging to the track
- Safety is a high priority for the business

The applicant responded to letters of representation in a letter dated 23 July 2018 stating the following (summarised):

- Existing buildings on site were replaced like for like in 2016.
- "Guns" referred to are orange starter pistols, fired once per month for 10-20 mins, during winter season only, for gundog training sessions.
- Doberdayz provides a valuable and much needed service to local clientele to high standards and has supported charitable events.
- The business is economically sustainable and employs 9 members of staff; the government supports local business in the rural economy.
- Doberdayz has made some repairs to the access track, which is historically been in a poor state of repair prior to arrival.
- Structured training sessions ensure there is 30mins between a class start and finish time.
- Speed signs have been put up and clients are asked to adhere to 10mph limit.
- Dogs only on site 10am and 4pm Monday to Friday and 9.30am to 3pm Saturday and Sunday.
- The business has not changed or altered the Green Belt.

## CONSULTATIONS

### **Buckinghamshire County Council Highways:**

26th July 2018:

The application site falls within Buckinghamshire's county boundary; however Burtons Lane from which the site be accessed, falls within the jurisdiction of Hertfordshire County Council (Three Rivers District). Therefore, my comments shall relate only to the application site and I trust that Hertfordshire County Council Highway Authority will have been consulted regarding the impact on Burtons Lane and the surrounding highway network, and would provide comments accordingly.

The application seeks planning consent to change the use from equestrian facilities to a mixed use of equestrian and canine facilities. The access would be taken from Burtons Lane which as I have previously stated lies within the jurisdiction of Hertfordshire County Council. However, I note that the visibility splay to the right of the proposed access would cross into Buckinghamshire County Council's boundary and as such will be considered as part of this assessment.

In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions commensurate with a speed limit of 30mph. Having reviewed the submitted plans, I am satisfied that sufficient visibility splays can be achieved in both directions from the proposed access but would require some vegetation clearance to the right upon exit. Notwithstanding this, I trust will also comment on the acceptability of the proposed access in terms of visibility and traffic impact from the proposed development.

Having reviewed the submitted plans, it is apparent that the proposed access varies in width between 3.5-12.0m. However, it should be noted that any further plans should be submitted to a more appropriate scale so that a more accurate assessment of the access can be carried out.

It is evident that the development would result in a significant increase in trips utilising this access which is substandard in width in several sections. The initial section of the access measures 4.1m in width. It would be required for the initial 20m of the access to be widened to a minimum of 4.8m to ensure that two vehicles can pass simultaneously. Furthermore, due to the access narrowing to single track at several stages of the access road, it would be required for passing bays to be implemented at points of intervisibility. At present the application site boundary indicates that this may not be feasible.

In terms of parking provision, I trust the Local Planning Authority will comment on the adequacy of the level of parking provision proposed. However, having reviewed the submitted plans, it is unclear where the proposed parking area is located. Additionally, no dedicated turning area has been provided on the site. It would be required for a plan to be submitted of the proposed parking area at an appropriate scale so that it can be accurately assessed.

Mindful of the above, it is required for the applicant to submit additional plans regarding the proposed access and parking area. Once I am in receipt of this additional information, I will be in a position to finalise my comments.

21st September 2018:

I write further to my comments dated 26th July 2018, in which the Highway Authority recommended the application for refusal due to the intensification of an existing access with substandard width. Since my last response, the applicant has submitted additional information regarding the previous use of the site. The following comments consider this additional information and should be read in conjunction with my original response.

It is of my understanding that the site was previously used as a livery yard with approximately 30 to 40 horses on the site. Therefore, when considering the trip generation from the site, it is not unreasonable to assume that there would be potential for each horse to have approximately 4 daily vehicular movements (two-way) associated with it. Therefore, considering the worst case scenario, there is the potential for the overall site to generate between 120-160 daily vehicular movements (two-way).

Additionally, information has been provided on the number of classes held each day and the number of clients attending for the proposed use. From the information provided, Saturday and Sunday are the days which have the maximum number of classes and clients with a maximum of 24 clients across the day. When considering drop off and collection, this would result approximately in 96 daily vehicular movements (two-way).

As such, having reviewed the existing and potential trip generation from the site, it is evident that the proposed development could result in a reduction in traffic movements. However taking into account that each visitor to the site could have possibly have more than one horse stationed on site, it is likely that the proposed development would result in comparable trip rates.

Farm Road is of sufficient width for two-way vehicular flow for the initial section of 40m from the publicly maintained highway where it then narrows to single width for the remainder of the site. There are passing places at several points of the single width farm track. Additionally, the site provides sufficient space for parking, turning and manoeuvring, ensuring that vehicles can turn and egress in a forward gear.

In light of the additional information regarding the previous use of the site, the Highway Authority would not be in a position to sustain the recommendation for refusal on substandard access width.

Mindful of the above, I have no objection to the proposals and no conditions or informatives to include in any planning permission you may grant.

**Buckinghamshire County Council SuDs Team (flooding team):**

No comment.

**Hertfordshire County Council Highways Department:**

It is unlikely the number of trips associated with the proposed use would have a significant enough effect on the surrounding highway network to recommend refusal from a highways perspective, particularly when taking into consideration that the existing access onto the site from Blacketts Wood Drive is acceptable and already provides access to the overall farm site and its constituent properties.

HCC as Highway Authority have considered that the proposals would not have an unreasonable or significant impact on the safety and operation of the surrounding highway network. HCC has no objections or further comments on highway grounds to the application.

**Three Rivers District Council:**

The site adjoins the boundary of Three Rivers District. It is noted the site is within the Green Belt, I trust that full consideration will be given to the impact of the development on the Green Belt and character of the area. It is also noted the land to the north east and east of the application site is a Wildlife Site covered by a blanked TPO reference TPO282

The site also adjoins residential properties, I trust the impact on neighbouring amenity will also be considered.

**Chiltern and South Bucks District Council Building Control:**

No comment.

**BPA (British Pipeline Agency):**

Any works carried out in the vicinity of the pipeline (which is in close proximity to the site) should be carried out in accordance with safety requirements ([www.linewatch.co.uk](http://www.linewatch.co.uk)). Most important points are highlighted within the consultation letter.

**Chiltern and South Bucks District Council Environmental Health Department:**

The application has been reviewed and Environmental Health database has been checked for records pertinent to this application. I am familiar with the location and have visited the premises within the past 12 months.

On reviewing Environmental Health's database I can inform you that whilst complaints alleging noise nuisance from dogs barking and associated kennelling activities from the above premises were made within the past 2 years, the Council has not received any evidence to substantiate or support these allegations so no further action was taken by Environmental Health. As a result of this Environmental Health do not raise any objections or conditions to the application.

**Chilterns Conservation Board:**

Objects on the grounds that the AONB is not conserved, noise/disturbance and traffic/parking concerns.

**POLICIES**

National Planning Policy Framework (NPPF)- July 2018.

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GC7, GB2, GB22A, GB29, LSQ1, TW3, TR2, TR3, TR11, TR16.

Sustainable Construction and Renewable Energy Supplementary Planning Document (SPD) - Adopted 25 February 2015

## **EVALUATION**

### **Principle of development**

1. The site is located within the Chiltern's Area of Outstanding Natural Beauty (AONB), wherein development must preserve, and where possible enhance the scenic beauty of the area. Furthermore, the site is within the Green Belt. In accordance with the provisions of the National Planning Policy Framework (NPPF, July 2018), material changes of use within the Green Belt are not inappropriate development, provided they preserve its openness and do not conflict with the purposes of including land within it (paragraph 146). Local Plan Policy GB2 sets out criteria wherein development within the Green Belt would be acceptable, and reflects the guidance in the National Planning Policy Framework.

### **Design, impact on the Green Belt and AONB**

2. This application seeks to utilise the site as a dog training and day-care facility, whilst retaining an element of equestrian use for horses to access some of the fields and stables. The application site is considered previously developed land, having been a riding school and livery yard prior to the current use on site. Having regard to the NPPF, this is not inappropriate development provided the openness of the Green Belt is preserved. The use applied for makes suitable use of the site's Green Belt fields by retaining their openness and although it includes small agility jumps and obstacles within the fields, it otherwise leaves them completely open. As such, it is considered the openness of the Green Belt has been suitably retained and there is no conflict to the five purposes of the Green Belt (paragraph 134, NPPF). Furthermore, given the marginal increase in built form, the development is considered to preserve the scenic quality of the landscape within the Area of Outstanding Natural Beauty. Indeed, it is essential to the business that the fields remain as open space as they are utilised in this manner. As such, the development is considered appropriate for its rural setting within the AONB and Green Belt, compliant with Local Plan Policy GB2 and the NPPF.

3. The development makes use of the stables and buildings on site which are clustered around a small part of the holding. The buildings are considered to be of a suitable size, scale and design. As such, it is not considered an objection with regard to the design of the buildings could be raised. The character and appearance of the development, given the reliance of the development on large open space, is considered to conform to planning policy, including Local Plan Policy GC1 which relates to design, and as such no objections are raised in this regard.

### **Residential amenity**

4. The comments of the neighbouring properties are noted, as are the comments from the Council's environmental health department. The Environmental Health team looked particularly at whether any statutory nuisance had occurred from the use such that an adverse impact was being caused on neighbouring properties. As outlined above, the Council has not received any evidence to substantiate or support allegations received and as such, no further taken was taken by the Environmental Health department and no objection has been raised. The development site is a significant distance (over 250m) from any residential properties and as such no objection is raised to the Council's policy on noise-generating development, GC7.

5. There is deemed to be no additional adverse impact on privacy or an overbearing appearance of the development on neighbouring sites, given by their nature they are inherently open and no new buildings have



been proposed as part of this application. For the above reasons, the development accords with Local Plan Policies GC3 and GC7.

### Highway/Parking implications

6. The comments of Buckinghamshire County Council Highway Authority are noted. The highway authority provided final comments on 21st September 2018. The highways authority does not raise objection to the application on highway grounds in light of the additional information submitted by the applicant and the land owner.

7. Subsequent to this additional information being received from the applicant and the landowner, the Council has received representation from neighbouring properties that contests the figure of 30 - 40 horses being the previous levels on the site. Reference has been made to the Licenses granted by the Council, and both licenses are attached to this report as **Appendix 1 and 2**, respectively. The license granted to "Fairfield Stables" on 16th December 2012 did not restrict the use of the site to any number of horses, although the Council licensing team undertook an inspection in 2012 which recorded 18 horses on site, 7 of those being used for riding lessons. Clearly during the 2012 visit the evidence does not appear to suggest 30-40 horses were on site, rather closer to 20 horses as suggested by neighbouring properties. However, it is clear that a proportion of those horses were used for riding lessons, and this would result in a significantly higher trip generation than private horses. As such, taking this factor into account and balancing it with the fact that certain visitors may have more than one horse, it is considered suitable to estimate that in total, approximately 4 daily vehicular movements per horse occurred (mirroring the Bucks County Council Highways original estimate), a trip generation of this level of horses is likely to be an estimate of 80 daily vehicular movements.

8. Given the above, it is considered that the use of the site with a Dog Training Centre is likely to result in an increased trip generation to/from the site on Weekends, but a decreased trip generation on Weekdays, in comparison to the previous use. On the weekends, the difference in trip generation between the two uses is mitigated by the previous use of the site, which was an established business operating as a livery yard with riding lessons. In considering whether this level of increase is acceptable, the provisions of the National Planning Policy Framework (which is the most up to date guidance, being dated July 2018) and the Council's development plan must be considered.

9. The Policy position in relation to the highway aspects of planning applications is clear. The National Planning Policy Framework states (paragraph 109); "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." In this regard, the access to the site is located off a private road at the end of Farm Road, which is predominately residential and not a fast moving road, this substantially reduces the risk for a significant adverse impact on highway safety. The recommended speed limit for the private road is 10mph. As such, it is not considered that an unacceptable impact on highway safety would arise from the development - Buckinghamshire County Council and Hertfordshire County Council Highways Departments have not raised objection to the development as it relates to the adjoining public roads and no additional road junctions have been established. As outlined in paragraphs 7 and 8, it is not considered there is a significant increase in trip generation and the access to the site is not at speeds which are conducive to causing an unacceptable pedestrian safety risk. Severe cumulative impact has not been demonstrated and therefore balancing the highway implications of the development with paragraph 109 of the NPPF, no objection is therefore raised, having regard to the NPPF and the provisions of Local Plan Policy TR2.

10. There is a risk that an expansion of this business results in more and more trips to the site which could render the development contrary to policy. As such, it is considered appropriate to condition the development to retain a level of use similar to as it exists today. Any further significant increase in visitors would require a further planning application to vary this condition.

11. The site benefits from ample parking provision and hardstanding within the site, having regard to the likely demand for car parking capacity and as such, no objection raised with regard to Local Plan Policy TR16 (parking provision, miscellaneous uses). The area of hardstanding at the front of the site is suitable and it is not considered a plan setting out the parking provision is required in this instance.

#### **Other Matters**

12. The development site is a significant distance (over 300m) from the Listed Building "The Old Farmhouse" to the South and as such it is not considered that there is any adverse impact on the setting of this building, given this substantial distance.

#### **Conclusions**

13. The development is not inappropriate within its Green Belt setting, having regard to planning policy (para 146, NPPF). The development conserves the Area of Outstanding Natural Beauty in accordance with paragraph 172 of the NPPF. The site is a substantial distance from the nearest residential property and does not cause a significant adverse impact to neighbouring amenity. No objections are raised to the design or built form of the development. The highway implications have been considered and are not considered to cause an unacceptable highway impact or severe harm to highway safety. Finally, the development meets the objectives of paragraph 83 of the NPPF, "Supporting a prosperous rural economy" by enabling "the development and diversification of agricultural and other land-based rural businesses" (p23). As such, the officer's recommendation is for conditional approval. Conditions will seek to ensure the site remains at the level of use applied for, and any significant expansion would require a further application.

#### **Working with the applicant**

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

15. 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**

16. 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 No more than 25 dogs shall be present on the site at any one time.

Reason: To ensure that the impact of any significant expansion of the site can be assessed in accordance with planning policy, in particular Local Plan Policies GB2, GC1, GB3 and GB7 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

2 The use of the premises hereby permitted shall not be open for customers except between the hours of:

1000 and 1700 on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday

1000 and 1600 on Sundays and Public Holidays

Reason: To safeguard the amenities of existing and adjoining neighbouring properties, in accordance with Local Plan Policies GC3 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

3 The number of classes which are attended by more than 1 person on a particular day shall be exceed:

A maximum of 2 classes on Monday, Tuesday, Wednesday, Thursday and Fridays;

A maximum of 4 classes on Saturdays and Sundays.

Reason: To ensure that the impact of any significant expansion of the site can be assessed in accordance with planning policy, in particular Local Plan Policies GB2, GC1, GB3, GB7 and TR2 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

4 AP01 Approved Plans

## **PL/18/2249/FA**

Case Officer: Margaret Smith  
Date Received: 13.06.2018 Decide by Date: 08.08.2018  
Parish: Little Chalfont Ward: Little Chalfont  
App Type: Full Application  
Proposal: Demolition of existing buildings, erection of two-storey community centre, alteration to existing access, formation of new vehicular access and provision of cycle parking, car park, bin stores, boundary treatment and landscaping  
Location: Little Chalfont Village Hall  
Cokes Lane  
Little Chalfont  
Amersham  
Buckinghamshire  
HP7 9QB  
Applicant: Little Chalfont Parish Council

### **SITE CONSTRAINTS**

Article 4 Direction  
Adjacent to A and B Road  
Area Special Advertisement Control  
Bovingdon Technical Radar Zone  
Community Assets/ CDC Owned Land  
Within Green Belt other than GB4 GB5  
North South Line  
A and B Roads  
Tree Preservation Order  
Ancient Woodland  
Adjoining Public Amenity Open Space  
Public Amenity Open Space

### **CALL IN**

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

### **SITE LOCATION**

The application site is located on the north-west side of Cokes Lane near to its junction with White Lion Road and lies to the north of the library and to the south of the car park. The application site fronts Cokes Lane but the rear part of the site extends southwards to the rear of the library and abuts the access to Dr Challoner's High School.

The application site lies wholly within the Green Belt and the 6 metre strip of land comprising the rear part of the site comprises Public Amenity Open Space and Common Land. The whole of the site is within Snells Wood, which is protected by Tree Preservation Order No. 4, 1948 and part of the site also comprises Ancient Woodland. The boundary with the Built Up Area excluded from the Green Belt runs along the edge of the south-east side of the carriageway of Cokes Lane.

On the south-east side of Cokes Lane facing towards the application site is a designated shopping frontage comprising an attractive 2 storey terrace with discreet roof dormers.

The site comprises 3 single storey buildings, the main building having a footprint of about 214 square metres and with an eaves height and ridge height of 2.6m and 4.3m respectively. The 2 buildings at the rear have lower ridge heights. The existing gross floorspace according to the applicant's agent comprises about 317 square metres.

There is a hardsurfaced parking area adjacent to the frontage comprising about 75 square metres and accommodating 8 spaces, accessed from Cokes Lane.

## **THE APPLICATION**

The application seeks planning permission to demolish all the existing buildings and to erect a 2 storey Class D1 community centre. The application proposal is similar to that the subject of application CH/2017/2185/FA that was withdrawn but it has been supported by an updated Planning Statement seeking to justify the proposed development in the context of the 2018 National Planning Policy Framework (NPPF). Also the proposed access and the footway are shown to be widened and alterations are proposed to the parking area.

The proposed building would have a rectangular footprint and would be sited about 7 metres from the site's frontage adjacent to the northern boundary of the site. The proposed building would have a footprint of about 372 square metres and a gross floorspace of 744 square metres and would have an eaves height of 5.8 metres and an overall height of 8 metres, with a fully hipped roof with a crown top. The proposed building would be constructed using multi bricks and slate-type roofing with large glazed elements and 2 rooflights are proposed on the crown top to provide light to the central area of the upper floor.

The proposals also include the re-siting of the vehicular access to the site and the creation of a separate pedestrian access. The proposals show the laying out of 22 on-site parking spaces, 3 of which would be for the disabled and 2 motorcycle spaces and a bicycle rack would also be provided.

The trees and vegetation in the north-west quadrant of the site would be retained and pockets of soft landscaping are shown to be provided in the rear, south-west corner, adjacent to the north elevation of the proposed building and adjacent to the frontage of the site.

## **STATUTORY ADVERTISEMENT**

The application has been advertised by way of a site notice and a press notice as development likely to create wider interest and development affecting trees covered by a Tree Preservation Order.

## **RELEVANT PLANNING HISTORY**

CH/1980/0768/FA Replacement of existing scout hall. Conditional Permission.

CH/1980/1617/FA Demolition of three timber buildings and replacement with new timber building. Erection of link canopy. New porch and brick façade to south east elevation of existing hall. Conditional Permission.

CH/1981/0546/FA Retention of extended tarmac car park. Conditional Permission.

CH/1982/1551/FA Precast concrete building (12.63M x 5.57m) (41'4 x 18'3) for use as a scout hut. Conditional Permission.

CH/1989/0688/FA Alterations to fenestration and construction of outer brick skin. Conditional permission.

CH/1993/0878/FA Re-roofing. Conditional Permission.

CH/2017/2185/FA Demolition of existing buildings, erection of two-storey community centre, alteration to existing access, formation of new vehicular access and provision of cycle parking, car park, bin stores, boundary treatment and landscaping. Withdrawn.

## PARISH COUNCIL

'The Parish Council supports this application'.

## REPRESENTATIONS

Two letters of objection have been received from local residents on the following grounds:

- Council Tax payers will be paying for this proposed development;
- The existing hall is of sufficient size;
- There are other larger halls in the locality that may be used if necessary;
- The proposed additional car parking is unnecessary;
- Trees will be removed;
- Part of the site is in the Green Belt.

Three letters of support have also been received from local residents.

## CONSULTATIONS

### Buckinghamshire County Council - Highway Authority:

I note that the Highway Authority has provided previous comments for this site, most recently for application no. CH/2017/2185/FA, which in a response dated the 18th January 2018, the Highway Authority recommended the application for refusal on the basis of an inadequate access width, inadequate footway and the potential displacement of parking.

This applicant has submitted a Transport Statement that was assessed as part of the previous application. However, an additional letter has been submitted to address some of the concerns raised by the Highway Authority.

A revised site layout has been submitted which shows the proposed access to measure 5.0m which would ensure that two vehicles can safely pass simultaneously. This would overcome the Highway Authority's previous concern in relation to access width.

The Highway Authority previously raised concerns regarding the width of the pedestrian access. In accordance with the Institution of Highways and Transportation's (IHT's) Designing for Walking (2015) guidance, the minimum footway width should be 2.0m with an absolute minimum width of 1.8m. Having reviewed the submitted plans, it is apparent that the pedestrian footpaths measure a width of 1.8m and as such is just in line with this requirement.

In terms of parking provision, 23 spaces are proposed, of which, 3 would be provided as disabled spaces. Within the Transport Statement submitted by the applicant, an analysis of potential vehicle trips has been undertaken using the TRICS® (Trip Rate Information Computer System) database. From this analysis, the applicant reviewed the sites to ensure they were directly comparable to the community centre. Using the sites selected the applicant provided likely levels of parking accumulation throughout the day. This parking accumulation shows that at any one time the maximum vehicle accumulation from the selected sites was 15 cars and the average was 9 cars at any one time. This level of parking can be easily accommodated within the site.

With regard to the pressure on adjacent site uses, I would note that it is unlikely that the community centre would frequently be in use when, for example, pick-ups/drop-offs occur for the adjacent school. Even if this was the case within the vicinity of the site, there are parking restrictions in the form of double yellow lines which prevent inappropriate parking in the vicinity of the site, therefore this is not a safety concern.

In terms of the specific area for parking within the site, I note that whilst the proposed parking spaces are of adequate dimensions, parallel parking spaces 1 - 6 would not be provided with adequate manoeuvring space for vehicles to park, manoeuvre and leave the site in a forward gear.

The Highway Authority would require parallel spaces to have additional manoeuvring space of 1m at either end of the bays in order for vehicles to utilise the spaces effectively. I trust however, that this can be dealt with by way of condition.

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

**District Tree Officer:**

There would be an objection in principle to both the loss of woodland protected by a Tree Preservation Order and to the loss of ancient woodland. Consequently I would object to the application. I am particularly concerned about the proximity of the community building to the trees T11 - T15, the loss of the hornbeam T25 and the unnecessary tree loss within the parking area because of the poor layout.'

**Ecology Adviser:**

Objection - absence of an up-to-date ecological survey and an unacceptable impact on ancient woodland habitat and absence of biodiversity mitigation and enhancements.

**District Access Officer for the Disabled:**

No objection in principle subject to the external spiral stair being a type E Public Stair in accordance with BS 5395-2-1984.

**POLICIES**

National Planning Policy Framework (NPPF), 2018. Whilst the NPPF has replaced the previous Planning Policy Statements and Guidance Notes, it does not replace existing local policies that form part of the development plan. It does state, however, that the weight that should be given to these existing local policies and plans will be dependent on their degree of consistency with the NPPF. Therefore, the closer the policies in the development plan to the policies in the Framework, the greater the weight that may be given to them.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS1, CS3, CS4, CS15, CS20, CS24, CS25, CS26, CS27, CS28, CS29, CS30, CS31 and CS32.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC2, GC3, GC4, GC14, GB1, GB2, GB24, GB30, TR2, TR3, TR11, TR15, TR16, CSF1, TW2, TW3, and TW6.

Sustainable Construction and Renewable Energy Supplementary Planning Document (SPD) Adopted 25 February 2015.

**EVALUATION**

**Principle of Development**

1. The site is within the open Green Belt in which there is a presumption against inappropriate development. Para 145 of the NPPF states that the construction of new buildings is inappropriate with certain

limited exceptions. The criteria to be considered in relation to this application are (d) which allows in principle for the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces and (g) the limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development. The proposed development would be more than 100% larger than the existing development on this site and would be materially larger and so would not meet either of these exceptions.

2. The NPPF defines previously developed land as that which is occupied by a permanent structure, including the curtilage of the developed land and any associated fixed structure infrastructure, although it explicitly states that it should not be assumed that the whole of the curtilage should be developed.

3. With regard to this application, the site currently comprises 3 single storey buildings with a gross floorspace of about 317 square metres and with a hardsurfaced area for car parking adjacent to the road frontage of about 75 square metres. By way of comparison, the proposed development would have a footprint of 372 square metres, greater than that cumulatively existing, and a gross floorspace of 744 square metres, more than double that which currently exists.

4. Furthermore, the proposed development would 'replace' the existing single storey buildings that have a maximum eaves and ridge height of 2.6m and 4.3m respectively with a 2 storey building with an eaves and ridge height of 5.8m and 8m respectively. The additional footprint, floorspace and volume would be noticeable from a number of public vantage points, including Cokes Lane, the Community Library, the public car park and the access to Dr. Challoner's School and Snell's Wood.

5. The proposed development would also introduce fixed surface infrastructure onto a wider area of the site, for example tarmac, resulting in the loss of existing trees and other vegetation and that would also be noticeable from the public vantage points and would also introduce the visible presence of additional parked cars.

6. As viewed in the context of the NPPF, the proposed building is materially larger than the existing buildings and so would not fall within that category and the proposed development would not fall within the category that allows in principle for the redevelopment of a previously developed site because it would include a greater spread of development onto land that is not currently developed, also it would have a noticeably greater impact on the openness of the Green Belt by virtue of the greater footprint, floorspace and volume proposed and it would adversely affect the purposes of the Green Belt as it would visually encroach onto the openness of this site and the adjacent sites. In addition, the proposals include the provision of an increased number of on-site parking spaces to 22. The presence of 22 parked vehicles and the increased vehicular activity associated with the increased floorspace, would also have a noticeably greater impact on the character and amenities of this part of the Green Belt.

7. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, the NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

8. Section 2 of the NPPF introduces a presumption in favour of sustainable development. Whilst there is a presumption, that presumption does not mean simply granting permission for development, since regard has to be had to each of the three separate dimensions of sustainable development, including the protection and enhancement of the natural, built and historic environment. Where development plans are absent, silent or where policies are out of date, the normal presumption in favour of planning permission does not apply in the case of sites involving specific policies of constraint, as confirmed by footnote 6 to paragraph 11 of the



NPPF. Footnote 6 to the NPPF notes that such 'specific policies' include land designated as Green Belt and irreplaceable habitats such as Ancient Woodland. Section 8 seeks to promote healthy and safe communities and in that context seeks to promote social interaction and to enable and support healthy lifestyles.

9. The points that have been advanced in this application as comprising very special circumstances include the need of the Village Hall to meet modern community needs, which was a concern raised by local residents and the fact that the existing buildings are no longer fit for purpose, costly to maintain and in need of upgrading, and the Parish Council has confirmed its support for this application. The options of refurbishing or extending the existing building were discounted as being deficient or unduly costly and problematic. However, these do not constitute very special circumstances that clearly outweigh the harm to the Green Belt in principle and the additional visual harm. The supporting statement with this application cites that the Committee report regarding the previously withdrawn application did not clarify why the applicant's very special circumstances are not sufficient. However, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. In that context, the very special circumstances advanced do not outweigh the harm to the Green Belt in terms of the loss of vegetation that positively contributes to the undeveloped character of the Green Belt, the introduction of an imposing 2 storey development and the harm as a result of intensification, including vehicular activity. It is understood that the scale of the proposed building has been derived following public consultation and applications for development are received for improved and larger facilities for hospitals and schools, for example, based on need. However, a genuine desire to meet social needs does not necessarily outweigh the application of policies in the NPPF and of Local Plan policies that are consistent with the NPPF and/or when the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

10. Consequently, the proposed development constitutes inappropriate development and no very special circumstances have been advanced that clearly outweigh the harm in principle and the other additional harm. As such the proposals are contrary to the policies of the NPPF including Section 13 and paragraph 11, saved Local Plan policies GB1, GB2 and GB30 and policies CS1 and CS3 of the adopted Core Strategy.

### **Design/Character & Appearance**

11. The premises on the north-west side of Cokes Lane comprise the public car park which includes a single storey building, the single storey buildings on the application site and the single storey Library, all of which are viewed in the context of mature, deciduous trees and the backdrop of the Ancient Woodland. In contrast, this proposed development would result in the introduction of a two storey building with a reduction in soft landscaping.

12. Although the proposed building is aesthetically acceptable in itself, comprising multi bricks with slate-type roofing and large glazed elements, the proposed height and bulk would be unduly noticeable and obtrusive as viewed from public vantage points, coupled with a spread of hardsurfacing and parked vehicles. The proposals also include little opportunity for landscaping to soften the visual impact of the proposed development, which would exacerbate the noticeable loss of existing boundary hedging and mature trees and the introduction of more obtrusive built development.

13. As such, the proposed development would harm the character and appearance of the area and is contrary to saved Local Plan policy GC1 and policy CS20 of the adopted Core Strategy.

### **Residential amenity**

14. Policy GC3 seeks to protect the amenities of existing adjoining properties and ensure that good standards of amenity are provided for the future occupiers of development. The nearest existing residential occupiers are the occupiers of the upper floors of the parade on the opposite side of Cokes Lane at a distance

of more than 23 metres. Consequently, although 1st floor windows are proposed facing eastwards towards 14 - 17 Cokes Lane, the separation is sufficient to ensure that there would be no undue loss of privacy sufficient to justify a reason for refusal.

### **Refuse Storage Provision and Collection**

15. The applicant has proposed the siting of a bin store close to the front of the site.

### **Parking/Highway implications**

16. These proposals differ from the previously withdrawn application by way of some changes to the parking layout, and widening of the access and the footpath. 22 car parking spaces are proposed within the site, including 3 spaces for disabled users. The existing premises comprising 317 square metres have 8 on-site car parking spaces, but that represents an existing shortfall of 55 spaces based on policy TR16. In order to comply with the Council's Parking and Manoeuvring Standards for the proposed Class D1 Public Assembly Building, 149 on-site car spaces would need to be provided. However, given that the existing situation is a material consideration, it would only be reasonable to require the provision of a further 85 on-site parking spaces for the additional floorspace proposed, resulting in an overall on-site requirement of 93 parking spaces, in order to comply with the Council's Parking Standards. In addition, 1 coach space is required per 100 square metres and even if the existing situation is accepted as a material consideration, 3 coach spaces would need to be provided for the additional floorspace proposed as well as space for the loading and unloading of delivery vehicles in order to comply with the Council's Parking Standards.

17. However, it is acknowledged that the Council's parking standards pre-date the NPPF and it is pertinent to note that with regard to setting local parking standards for non-residential developments, the NPPF states that the accessibility of the development, the type, mix and use of the development, the availability of and opportunities for public transport and local car ownership levels should be taken into account.

18. A Transport Statement has been submitted with this application, including surveys from 2012 - 2015 of various sites across the country. Bucks CC, as the Highway Authority, raise no objection based purely on this data. However, on close examination of the data, the records submitted are dated several years ago and are only for ad hoc days and so do not give a clear indication of vehicular activity across a 7 day week. Importantly, the sites chosen for the analysis, elsewhere in the country, are unlikely to be representative of the high car ownership levels in Little Chalfont. In accordance with the NPPF a detailed parking assessment based on a comparable local D1 facility with similar characteristics would have been helpful, and in its absence it may be erroneous to allow such a significant shortfall from the Council's adopted standards.

19. A further point to note is regarding the Buckinghamshire County Wide Parking Guidance. Although this has not been adopted by this District Council, as therefore does not carry significant weight, it is based on data from 2015 and more relevant to the County characteristics than the data submitted by the applicant. It contains standards for a site in a 'less accessible' location such as Little Chalfont. In this connection, a Class D1 public assembly building would require 1 on-site car parking space per 8 sq.m i.e. 93 spaces. In the context of these Buckinghamshire County Wide standards, 93 spaces would be needed for the proposed gross floorspace, but there is currently a shortfall of 32 spaces (based on the Buckinghamshire standards) and so only 61 spaces could reasonably be required for the floorspace proposed (based on the Buckinghamshire standards). This is still a significant shortfall and, in the absence of locally based evidence demonstrating that a lower level of on-site parking for a Class D1 use in this location would be sufficient, it is considered that the proposal would be likely to result in the on-street parking of vehicles, which would result in danger and inconvenience to users of the public highway. As such, the proposed development is contrary to Policies TR11 and TR16 of the Chiltern District Local Plan and the provisions of the National Planning Policy Framework.

20. These proposals have also sought to overcome the manoeuvring concerns raised regarding the withdrawn application so that vehicles may manoeuvre easily into and out of the proposed spaces.

### **Vehicular Access**

21. With regard to the impact of the proposal on the highway, the response of Bucks County Council Highway Authority will be reported to the Planning Committee.

### **Trees and landscaping**

22. Policy GC4 of the Local Plan states that existing trees and hedgerows in sound condition and of good amenity and wildlife value, together with any other existing landscape features of the site that are an important part of its character should be retained. Also policy TW3 of the Local Plan states that any development that would result in the loss of protected trees will not be permitted and policy TW6 sets out the Council's policy protecting the loss of woodland, which in this case is Ancient Woodland.

23. The Council's Arboricultural Officer has again raised objection to the proposed development because the siting of the proposed building would be likely to result in pressure for the reduction or removal of an important beech tree, would result in the loss of a group of native trees and would result in the loss of one of the hornbeams fronting Cokes Lane that is part of the Ancient Woodland, and the loss of other trees at the rear of the site on the edge of the existing area of Ancient Woodland. Similarly the Council's Ecology Advisor has raised objection on the grounds of the loss of Ancient Woodland in the absence of exceptional circumstances.

24. Furthermore, the proposed landscaping is insufficient to adequately soften views of the proposed development from public vantage points. Although the supporting statement states that there will be opportunities to landscape the site, there are no apparent opportunities to provide such planting to break up the expanse of hardsurfacing or to introduce landscaping of a scale that would soften views of the proposed 2 storey development. Consequently, the proposed development is contrary to saved Local Plan policies GC4, TW3 and TW6.

25. The Council's Tree Officer has concluded by stating that 'There would be an objection in principle to both the loss of woodland protected by a Tree Preservation Order and to the loss of ancient woodland. Consequently I would object to the application. I am particularly concerned about the proximity of the community building to the trees T11-T15, the loss of the hornbeam T25 and the unnecessary tree loss within the parking area because of the poor layout.' The Arboriculturalist continues 'However it would be a planning consideration to balance this objection against the merits of the scheme in accordance with the National Planning Policy Framework advice'. However, paragraph 175 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitably compensation strategy exists. Footnote 58 clarifies that wholly exceptional reasons would include, for example, infrastructure projects including nationally significant infrastructure projects, and orders under the Transport and Works Act. Such exceptional reasons do not pertain to this proposal and the erosion of this edge of the Ancient Woodland would be likely to increase the vulnerability of the proposed new boundary of Ancient Woodland that would result.

### **Ecology**

26. Policy CS24 states that the Council will aim to conserve and enhance biodiversity within the District. In this respect it states that development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion, of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. Where development

proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest. This is consistent with paragraph 174 of the NPPF that aims to conserve and enhance biodiversity.

27. The Council's Ecological Advisor has also objected on the grounds that this proposal does not include a sufficiently up-to-date ecological assessment and/or ecological mitigations and/or enhancements. The Ecology response advises "When determining planning applications, local planning authorities should apply the following principles: ...c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists." Based on the information submitted to date, the proposals represent an unacceptable impact on ancient woodland habitat. An up to date assessment of this woodland habitat is required as part of the updated ecological appraisal. Exceptional circumstances will be required in order to make such loss of ancient woodland habitat possible on biodiversity grounds, therefore a thorough mitigation strategy must be provided, such as options for additional planting and woodland management to improve its overall structural and species diversity. Such mitigation options will need to be informed by up to date assessment of the woodland."

### **Sustainable Development and Planning Balance**

28. At the heart of the NPPF is a presumption in favour of sustainable development and in accordance with paragraph 11, development proposals that accord with the Development Plan should be approved without delay. Where the Development Plan is out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. However, in this context and as previously stated in Footnote 6, the NPPF policies for protecting the Green Belt and irreplaceable habitats such as Ancient Woodland, are to be given particular importance.

29. The Planning Statement cites as a precedent the grant of outline permission for the erection of a replacement secondary school for the Howard of Effingham School and up to 258 residential dwellings with means of access and full permission for the erection of 37 dwellings, with access, parking and landscape works. Firstly, there is no concept of precedent in the planning system, as every proposal should be determined on its own merits. Importantly, this other proposal is for an entirely different form of development to that for a school and residential development, in a different area of the country, where there was a demonstrated demographic need for additional school places and the absence of a 5 year housing supply. In addition, this proposed development is not one of national significance but would result in the loss of and increase the vulnerability of the Ancient Woodland. As such the cited example has little, if any, relevance.

30. Also, in support of this application, reference has been made to the Localism Act and the Community Right to Build small-scale, site-specific, community-led developments giving communities the freedom to build new community facilities without going through the normal planning application process. That is an option that may be available for the applicant to pursue but the necessary procedures would first have to be undertaken and satisfied in order to ascertain whether or not the community supported such a proposal.

31. The above assessment has identified significant and demonstrable harm in relation to the impact of the proposal on the character and amenities of this part of the Green Belt, the visual character and appearance of this area and the natural attributes of the site. Given the degree of harm identified, the benefit of a larger community centre is not considered to outweigh the harm in this instance and would not constitute a wholly exceptional reason to justify the loss or deterioration of the Ancient Woodland.

### **Working with the applicant**

32. In accordance with the guidance 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 was focused on seeking solutions to the issues arising from the development proposal. In this case, the agent was advised prior to the submission of the application that the proposal did not accord with the Development Plan, that no material considerations are apparent to outweigh these matters of principle.

### **Human Rights**

33. 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 site is within the open Green Belt where most development is inappropriate and there is a general presumption against such development. The proposed development does not fall into any of the categories listed in Policy GB2 of the Local Plan and paragraphs 145 and 146 of the National Planning Policy Framework and therefore constitutes inappropriate development in the Green Belt. Furthermore, given the existing open and semi-rural character of the site, the proposed introduction of two storey development and greater spread of hardsurfacing would have a severe detrimental impact on the openness of the Green Belt. No very special circumstances have been demonstrated which clearly outweigh the harm to the Green Belt in principle and other additional harm, including visual harm from the introduction of the proposed 2 storey building and from the parking and manoeuvring of vehicles. As such, the proposal conflicts with the purposes of including land within the Green Belt and is therefore contrary to Policy GB2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework.

2 The proposed development would be of a scale and layout that is out of keeping with the character of this stretch of Cokes Lane that lies within the Green Belt and that comprises woodland and modest, single storey buildings within well treed curtilages. Furthermore, the proposed landscaping is insufficient to adequately soften views of the proposed development from public vantage points. Consequently, the proposed development would adversely affect the character and appearance of the area and is contrary to Policies GC1 and GC4 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and Policy CS20 of The Core Strategy for Chiltern District, Adopted November 2011 and the provisions of the National Planning Policy Framework.

3 Part of the application site is designated as Ancient Woodland and trees on the site are protected by Tree Preservation Order No. 4, 1948. The proposed development would be likely to result in pressure for the reduction or removal of an important beech tree T13, would result in the loss of a group of native trees G16 and would result in the loss of one of the hornbeams, H21, fronting Cokes Lane that was originally part of the Ancient Woodland and the loss of other trees at the rear of the site on the edge of the existing area of Ancient Woodland that fall within group G7. This would harm the character and appearance of the area. As such, the proposed development is contrary to policies GC4, TW3 and TW6 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework.

4 The proposed development would not meet the Parking and Manoeuvring Standards set out in Chapter 9 of the adopted Local Plan and in the absence of evidence demonstrating that a lower level of on-site parking for a Class D1 use in this locality would be sufficient, it is considered that the proposal would be

likely to result in the on-street parking of vehicles, which would result in danger and inconvenience to users of the public highway. As such, the proposed development is contrary to Policies TR11 and TR16 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework.

## **PL/18/2993/FA**

Case Officer: Tiana Phillips-Maynard  
Date Received: **08.08.2018** Decide by Date: **29.10.2018**  
Parish: **Chalfont St Peter** Ward: **Gold Hill**  
App Type: Full Application  
Proposal: **Part two part single storey rear extension, single storey side extension including the rebuild of existing side extension in brickwork, fenestration alterations**  
Location: **Thurlands  
Grove Lane  
Chalfont St Peter  
Gerrards Cross  
Buckinghamshire  
SL9 9JU**  
Applicant: **Mr & Mrs I. Forster**

### **SITE CONSTRAINTS**

Article 4 Direction  
Adjacent to C Road  
Mineral Consultation Area  
North South Line  
Within 500m of Site of Importance for Nature Conservation NC1  
Townscape Character

### **CALL IN**

Councillor Wertheim has requested that this application is referred to the planning committee, regardless of recommendation on the basis the property will be too near the northern neighbour and will impact on the amenity space.

### **SITE LOCATION**

The application site accommodates a two storey detached dwelling located on the eastern side of the classified road, Grove Lane. The brick dwelling has gable features and an existing single storey rear extension. The property to the north, The Rink, extends significantly rearward of the host dwelling. The southern adjoining property, Glorian, is similarly sized and maintains a similar rear building line. The locality is characterised by a mixture of dwellings of varying appearances.

### **THE APPLICATION**

The application seeks planning permission for a part single part two storey rear extension, the replacement and extension of single storey side extension and fenestration alterations.

The single storey component extends beyond the existing projecting by 2.15m and has a maximum depth of 5m and width of 8.75m. The single storey component comprises a 1.8m wide mono-pitched roof with rooflights on the northern side, with an eaves height of 2.3m and maximum height of 3.7m.

The first floor component measures 5m in depth and 6.85m in width with a crown roof to match the existing ridge height at 7.6m, and with an eaves height of 5.3m to match existing.

The side extension measures a maximum width of 1.6m and depth of 2.8m with a mono-pitched roof to extend existing with a maximum height of 3.5m.

## RELEVANT PLANNING HISTORY

CH/1998/0454/FA- Alterations, repositioning of conservatory and erection of two storey rear extension. Conditional Permission, implemented.

CH/2000/0005/FA - Single storey rear extension (amendment to planning permission 98/0454/FA. Conditional Permission, implemented.

## PARISH COUNCIL

The Council commented that the two storey rear extension is beyond the rear building line and will impact on the amenity of Glorian.

## REPRESENTATIONS

Two letters of objection were received from The Rink, summarised as follows:

- Over development of small plot
- Insufficient parking
- Side extension too close to boundary and is a shed not habitable accommodation
- Side rooflights will invade privacy
- Requirement of party wall agreement
- Application form does not include tree removal which has occurred
- Extension beyond Glorian will impact their amenity

Officer note: Party wall agreements are not a material planning consideration and is separate legislation. The tree removal does not relate to the proposed development and is not a material planning consideration as it is not within a sensitive area or protected by a Tree Preservation Order.

## CONSULTATIONS

None relevant.

## POLICIES

National Planning Policy Framework

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

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

Residential extension and householder development Supplementary Planning Document (SPD) - September 2013

Sustainable Construction and Renewable Energy SPD - Adopted 25 February 2015

Chalfont St. Peter Neighbourhood Plan: Saved Policies H6 H7.

## EVALUATION

### Principle of development

1. The application site is located within the built up area of Chalfont St Peter, where extensions to dwellings are acceptable in principle, subject to complying with relevant Development Plan Policies. In accordance with Chalfont St. Peter Neighbourhood Plan Policy H7 explains extensions should maintain or enhance the design, character and quality of the building.

### Design/character & appearance

2. The site accommodates a detached dwelling that benefits from previous extensions. The proposed rear extension adds a 5m depth to the existing 7m dwelling depth. By virtue of the stepped in flanks and single storey component, the extension appears as a proportionate addition that satisfactorily integrates with the existing dwelling. The extension would not be visible from the streetscene and is not considered to have a detrimental impact on the character or appearance of the locality.



### **Residential amenity**

3. The proposal would project 2.15m beyond the rear elevation of Glorian. Given the distance to the boundary of approximately 2m and subsequent setback of Glorian by approximately 1m, it is not considered the extension would have an overbearing effect on Glorian. Furthermore, there is no breach of sight lines and given Glorian is to the south, there would be no adverse impact regarding loss of light. To maintain the privacy of Glorian, the insertion of first floor windows on this elevation are to be conditioned as obscure glazed.

4. Concern has been raised on the impact on the northern neighbour, The Rink with regard to impact to privacy and amenity. The Rink has a large flank well with no fenestration facing Thurlands, preventing visual intrusion and loss of access to light. Therefore, there would be no impact at all on The Rink. The proposed northern elevation of the extension has no windows but has three rooflights on the mono pitched roof as well as rooflights on the side extension. Given these windows are rooflights and therefore above eye level, there would not be adverse implications having regard to privacy. The distance to the northern boundary from the proposed works has also raised concern. There are no Local Plan Policies restricting the distance to flank boundaries for single storey developments and it is noted that development up to the boundary can be constructed under permitted development. It is not considered there are any adverse implications having regard to privacy or amenity for adjoining properties.

5. Concerns have been raised regarding the impact on the amount of amenity space for the subject property. The rear garden would still have a depth of 21m after the extension is built, which is well in excess of Local Plan requirements.

### **Parking/Highway implications**

6. The existing property has a floor space over 120sqm. As such, no additional parking is required and no concerns are raised in relation to parking provision.

### **Conclusions**

7. The proposal has been assessed against the Development Plan and is considered acceptable, subject to conditions.

### **Working with the applicant**

8. positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

9. 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**

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

### **RECOMMENDATION: Conditional Permission**

**Subject to the following conditions:-**

- 1 C108A General Time Limit

2 C431 Materials to Match Existing Dev

3 Before the first occupation of the extension hereby permitted the two windows at first floor level in the south-eastern flank elevation shall be fitted with obscured glazing and any part of the windows that are less than 1.7 metres above the floor of the room in which they are installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

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

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/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 south eastern or north western flank elevations of the extension hereby permitted.

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

5 AP01 Approved Plans

## **PL/18/3179/FA**

Case Officer: Gill Perceval  
Date Received: **24.08.2018** Decide by Date: **29.10.2018**  
Parish: **Great Missenden** Ward: **Prestwood And Heath End**  
App Type: Full Application  
Proposal: **Single storey rear extension and garage conversion.**  
Location: **10 Strawberry Close**  
**Prestwood**  
**Great Missenden**  
**Buckinghamshire**  
**HP16 0SG**  
Applicant: **Mr & Mrs Biggs**

### **SITE CONSTRAINTS**

Article 4 Direction  
Adjacent to Unclassified Road  
Within Chilterns Area of Outstanding Natural Beauty  
North South Line  
Townscape Character

### **CALL IN**

Councillor Gladwin has requested that this application is referred to the Planning Committee if the Officers' recommendation is for approval, due to concerns with regard to parking and impact on amenity space.

### **SITE LOCATION**

The application relates to a detached two storey property located in Strawberry Close, a cul-de-sac spur from Peppard Meadow, found on the 'Lodge Lane' estate, in the built up area of Prestwood. The site falls within the Chilterns Area of Outstanding Natural Beauty and No. 10 Strawberry Close is situated on the East side of the road, towards the end hammer head turning space. Characterised by detached dwellings, built of the same construction materials and to a similar specification, the majority of the properties are set back from the road with lawn areas to the front. The subject property presently has an integral garage with front driveway which affords two parking spaces. On road parking is possible though perhaps not desirable.

### **THE APPLICATION**

The application proposes a single storey rear extension and garage conversion. It should be noted that the rear extension would normally have been permitted development (not requiring a planning application), but a condition was placed on the original 1973 permission for the construction of the estate, removing permitted development rights. The garage conversion is not development and could be undertaken anyway, whether this application is approved or refused.

The rear extension would measure 9.9 metres in width, (the width of the existing dwelling), would be 4 metres in depth and would be to an overall height of 3.1 metres.

The conversion of garage will incorporate the garage door being replaced with a four pane casement window to match in style and size to existing windows in the front elevation.

The addition of one pedestrian door is proposed towards the right hand end of the South flank elevation.

Parking provision with widened vehicular access was shown on superseded Plan SC PA 03 A (24th August 2018) and is shown on Amended Plan SC PA 03 B submitted 10th October 2018.

### **RELEVANT PLANNING HISTORY**

CH/1976/0780/DE - Proposed residential development comprising 329 dwelling units, estate roads, garages, car parking spaces and ancillary works: Conditional approval given and the 'Lodge Lane' estate was developed.

CH/1998/0071/FA - Rear conservatory: Conditional permission gained and implemented.

CH/2001/1253/FA - Part first floor, part two storey side extension and front canopy: Conditional permission gained and implemented.

### **PARISH COUNCIL**

Response received 9th October 2018: The Parish Council "objects to this application on the grounds that:

1. The proposed development does not appear to provide adequate parking space for the size and scale of development.
2. The proposed development does not appear to provide adequate or sufficient levels of amenity space."

### **REPRESENTATIONS**

One neighbour representation received and summarised as follows:

1. The detail Plan SC PA 03 Rev A appears to extend the property boundary line from the corner of our house (No. 8) directly out to the pavement, indicating that the existing dwarf wall and about 2 feet of the grass on our frontage is to be removed to be included in the paving. But this is our part of our property.
2. At the corner of No. 8 the boundary line turns 90 degrees towards No. 10 before turning a further 90 degrees to then continue to the pavement, thus defining the wall and grass as part of our property.
3. Whilst we have no objection to the proposal to pave the frontage of No. 10 we cannot under any circumstances agree to the removal of this wall and any incursion upon the grass on our side.

### **CONSULTATIONS**

**Buckinghamshire County Council Highway Authority:**

No objections.

### **POLICIES**

National Planning Policy Framework.

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, H13, H14, H15, H17, LSQ1, TR11 and TR16.

Residential Extension and Householder Development Supplementary Planning Document (SPD) - September 2013.

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

## **EVALUATION**

### **Principle of development**

1. The site is located in the built up area of Prestwood where extensions and alterations to existing dwellings are acceptable in principle, subject to complying with the relevant policies of the Development Plan.
2. In addition the property is built in an area in the Chilterns Area of Outstanding Natural Beauty, however, the site is surrounded by existing residential development and therefore there are no implications on the scenic beauty of the wider landscape.

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

3. The single storey rear extension would be of modest depth, set to the rear of the property and would have no adverse visual impact on the character of the property or the wider area.

### **Residential amenity**

4. The rear extension would be set away from both boundaries and given its low height and single storey nature would have no adverse impact on the amenities of either neighbouring property.
5. Concerns have been raised about the amount of amenity space retained. Although the retained depth is around 8.5 metres, the overall width of the rear garden extends to almost 17 metres. This is no different to a rear garden measuring 8.5 metres in width and 17 metres in depth, which would always be regarded as acceptable. Therefore no objections can be raised to the amenity space. In addition, Policy H12, concerning amenity space, states that the policy does not apply when assessing residential extensions.

### **Parking/Highway implications**

6. The existing dwelling presently has an integral garage with a front driveway which affords two parking spaces. On road parking is also possible. The existing property is already over 120 sqm in floor area, and therefore the parking standard for the dwelling will not change with the proposed extensions. As such no extra parking is required. The space in the garage would be lost, however this could be carried out without planning permission. The site plan indicates three spaces on the front driveway, whereas in reality, two is more likely, as the denoted layout is somewhat contrived and awkward to use. The site is in a reasonably sustainable location, and it would not be possible to sustain a refusal based on the shortfall of one parking space. However, importantly, as only two spaces would be left if the garage was converted (which could be undertaken anyway), it would simply not be possible to raise an objection on parking grounds.

### **Conclusions**

7. The scheme is considered to accord with Development Plan policies and guidance contained in the NPPF and is recommended for approval.

### **Working with the applicant**

8. 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.

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**

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

**RECOMMENDATION: Conditional Permission**

**Subject to the following conditions:-**

- 1 C108A General Time Limit
- 2 C431 Materials to Match Existing Dev
- 3 AP01 Approved Plans

**The End**

Classification: OFFICIAL



**ANIMAL BOARDING ESTABLISHMENTS ACT 1963**

**LICENCE TO KEEP AN ANIMAL**

**BOARDING ESTABLISHMENT**

**Licence Number: 18/00173/ANBOAR**

The **Chiltern District Council** being the local authority under the above Act **HEREBY LICENSE**

**Mrs Sharon Chambelin**

of The Barn Fringford Lodge Bicester Oxfordshire OX27 8RG being the occupier of premises known as;

**Doberdayz**

Of Fairfield Stables, Top Yard Fairfields, New House Farm, Farm Road, Chorleywood, Buckinghamshire, WD3 5QB

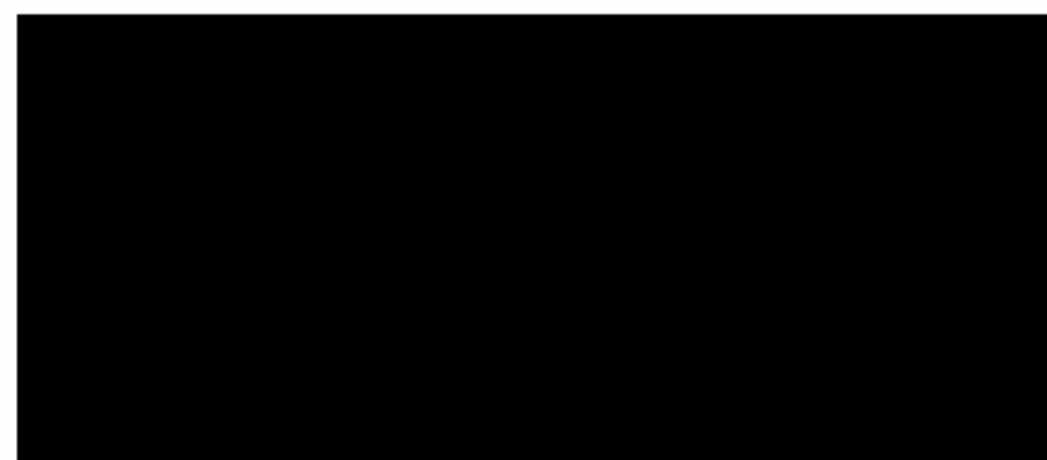
within the area of Chiltern District Council to **KEEP AN ANIMAL BOARDING ESTABLISHMENT** at those premises subject to the conditions attached hereto.

A fee of £496.00 has been paid for this Licence

This Licence shall remain in force from the 12th June 2018 until and including 31st December 2018

**GRANTED** at the office of the said Council at King George V Road, Amersham, Buckinghamshire on 12th June 2018

**18/00173/ANBOAR**



Signed .....  
Head of Healthy Communities

Classification: OFFICIAL



## Licence Conditions 18/00173/ANBOAR

### 1. GENERAL

1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or are used in association with the boarding of dogs.

1.2 Dogs are not permitted to be boarded overnight.

1.3 The Licensee must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance.

1.4 No dog registered under the Dangerous Dogs Act 1991 must be accepted for dog day crèche.

1.5 Written consent must be received from every dog owner before any dog is placed into the establishment for the first time, confirming that they agree that their dog(s) may socialise with other dogs.

### 2. LICENCE DISPLAY

2.1 A copy of the licence and its conditions must be suitably displayed to the public in a prominent position in, on or about the boarding establishment.

### 3. CONSTRUCTION

#### 3.1 General

3.1.1 Wood should not be used in exposed construction of walls, floors, partitions, door frames or doors in the licensed premises. There must be no projections liable to cause injury.

3.1.2 The construction of the premises must be such that the security of the dog is ensured and that it is safe.

3.1.3 Any exterior wood must be properly treated against wood rot. Only products which are not toxic to dogs must be used.

3.1.4 All internal surfaces such as walls, floors, partitions, doors and door frames are to be durable, smooth, impervious and capable of being easily cleaned. There must be no projections or rough edges liable to cause injury.

3.1.5 Junctions between wall and floor sections should be coved. If impractical in existing premises, all joints must be sealed.

#### 3.2 Doors

3.2.1 A double gate system must be provided at all entrances and exits to the premises to prevent the escape of dogs.

3.2.2 Doors must be strong enough to resist impact and scratching and must be capable of being effectively secured.

#### 3.3 Windows



3.3.1 All windows that pose a security risk must be escape-proof at all times.

3.3.2 Where necessary windows must be suitably protected against contact and breakage by dogs.

#### 3.4 Drainage

3.4.1 The establishment must be connected to mains drainage or an approved, localised sewage disposal system.

3.4.2 Floors must have effective means of drainage where necessary.

#### 3.5 Lighting

3.5.1 Adequate lighting must be provided in all areas which are, or may be, used in connection with the establishment so that all parts are clearly visible at all times that the business is in operation. Where practicable this must be natural light.

#### 3.6 Ventilation

3.6.1 Adequate ventilation must be provided to all interior areas.

#### 3.7 Maintenance

3.7.1 Maintenance and repair of the whole establishment must be carried out regularly so as to maintain it in a suitable condition.

### 4. NUMBER OF ANIMALS

#### 4.1 Number of Dogs Permitted

4.1.1 The maximum number of dogs to be kept at any one time is 25.

4.1.2 No animals other than dogs are to be boarded within the licensed facilities without the written approval of an authorised officer from South Bucks District Council.

### 5. MANAGEMENT

#### 5.1 Screening of Dogs

5.1.1 Pre-screening of dogs must be undertaken prior to them being accepted into the day care centre to ensure they will be comfortable in the presence of other dogs and will not be a danger to dogs, staff or visitors. This must be documented.

#### 5.2 Training

5.2.1 Staff must receive the necessary training and instruction in their duties relating to dog care. All records of training must be kept for inspection by an authorised officer of South Bucks District Council.

#### 5.3 Heating

5.3.1 Suitable and safe means shall be provided for heating, to an appropriate temperature, of all common indoor areas.

#### 5.4 Cleanliness



5.4.1 All parts of the licensed premises must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner to ensure maintenance of disease control and dog comfort.

5.4.2 All bedding must be kept clean and dry.

5.4.3 There must be adequate storage for waste awaiting disposal. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious disease. Clinical waste should be disposed of by a licensed contractor.

5.4.4 Measures must be taken to minimise the risks from rodents, insects and other pests within the establishment.

#### 5.5 Food and Water Supplies

5.5.1 Potable clean water must be available for all dogs at all times and must be changed at least daily.

5.5.2 Eating and drinking vessels must be capable of being easily cleaned and disinfected to prevent cross-contamination. They must be maintained in a clean condition or, if disposable containers are used, disposed of after each use.

#### 5.6 Disease Control and Vaccination

5.6.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious diseases and parasites amongst the dogs, staff and visitors.

5.6.2 Dogs attending the day care facility must have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagiae*) and Canine Parvovirus, Bordetella Kennel Cough and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of attendance or in accordance with manufacturer's instructions. A record that proof of vaccination has been supplied must be kept on site.

5.6.3 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured any instructions for its treatment which have been given by a veterinary surgeon must be strictly followed.

5.6.4 A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site.

5.6.5 A suitable range of muzzles of varying sizes and a suitable dog-catching device must be kept on site.

#### 5.7 Isolation

5.7.1 Adequate isolation facilities must be provided to prevent the spread of disease.

5.7.2 In the isolation facilities, there should be a means of maintaining the temperature at a level suitable for the conditions of the dog and dependent on veterinary advice.



5.7.3 Hands must be washed after leaving the isolation facilities and before handling other dogs.

## 5.8 Register

5.8.1 A register must be kept of all dogs attending the care centre. The information kept must include the following:-

- Times and days of boarding at the premises
- Name of dog, any identification system such as a microchip number or tattoo
- Description, breed, age and gender of dog
- Name, address and telephone number of owner or keeper
- Name, address and telephone number of contact person if different to the owner
- Name, address and telephone number of dog's veterinary surgeon
- Health, welfare and nutrition requirements
- Details of vaccinations

5.8.2 The register must be kept readily available for a minimum of 24 months and kept in such a manner as to allow an authorised officer easy access to such information.

5.8.3 Where records are computerised, a back-up copy must be kept. The register must be available to key members of staff of the establishment at all times.

## 5.9 Supervision

5.9.1 A fit and proper person must always be present to exercise supervision and deal with emergencies at the premises when operating.

5.9.2 Adequate staffing must be provided to ensure continual supervision and safety of all dogs. The ratio of dogs to staff at any one time shall be set by the Licensing Team.

## 5.10 Fire Precautions

5.10.1 All appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.

5.10.2 A proper emergency evacuation plan and fire warning procedure must be drawn up and posted on the premises. This must include instructions on where and how dogs are to be evacuated to in the event of a fire or other emergency. All staff must be aware of this plan.

5.10.3 Fire fighting equipment must be provided in accordance with advice given by the Fire Safety Office.

5.10.4 Fire fighting equipment and detectors must be properly maintained.

5.10.5 All electrical installations and appliances must be maintained in a safe condition.

5.10.6 Heating appliances must not be sited in a location or manner where they may present a risk of fire, or risk to dogs.

5.10.7 Precautions must be taken to prevent any accumulation which may present a risk of fire.

5.10.8 There must be adequate means of raising an alarm in the event of a fire or other emergency.



King George V House, King George V Road, Amersham, Bucks, HP6 5AW

Email: [licensing@chiltern.gov.uk](mailto:licensing@chiltern.gov.uk)

[www.chiltern.gov.uk](http://www.chiltern.gov.uk)

[www.southbucks.gov.uk](http://www.southbucks.gov.uk)



Stronger in partnership

This matter is being dealt with by **Licensing Team** Direct Line: 01494 732063

Your Ref:

Our Ref: H505 18/00173/ANBOAR

Mrs Sharon Chambelin  
The Barn  
Fringford Lodge  
Bicester  
Oxfordshire  
OX27 8RG

Dear Sir or Madam

**Animal Boarding Establishments Act 1963**  
**Fairfield Stables**

Your application for a licence under the above mentioned Acts has now been approved and the Licence for the period ending 31st December 2018 is enclosed herewith, together with the Council's official receipt for the amount of fee paid.

Please note we will send requests for renewal of this licence to the email address you have provided. Please notify the licensing team of any changes to your contact details.

Yours faithfully



enc



# CHILTERN District Council

RIDING ESTABLISHMENTS ACTS 1964 AND 1970

## LICENCE TO KEEP A RIDING ESTABLISHMENT

Licence Number: 12/01730/ANRID

THE CHILTERN DISTRICT COUNCIL being the local authority under the above Act  
HEREBY LICENSE

**Miss A S J Pickess**

of 76 Clarkfield Rickmansworth Herts WD3 2FL being the occupier of premises  
known as

**Fairfields Stables**

within the area of Chiltern District Council to **KEEP A RIDING ESTABLISHMENT** at  
those premises subject to the conditions attached hereto.

A fee of £145.00 has been paid for this Licence

This Licence shall remain in force from the **16th December 2012** until and including the  
**15th December 2013**

**GRANTED** at the office of the said Council at King George V Road, Amersham,  
Buckinghamshire on the 27th December 2012.

Signed:

Head of Health and Housing

## RIDING ESTABLISHMENTS ACTS 1964 AND 1970

### CONDITIONS OF LICENCE

- 1 Horses shall be maintained in good health and in all respects physically fit.
- 2 Horses shall be suitable for the purpose for which they are kept.
- 3 The feet of all animals shall be properly trimmed and, if shod, their shoes shall be properly fitted and in good condition.
- 4 There shall be available at all times accommodation for horses suitable as respects construction, size, number of occupants, lighting, ventilation, drainage and cleanliness.
- 5 In the case of horses maintained at grass, there shall be maintained for them at all times during which they are so maintained, adequate pasture and shelter and water, and supplementary feeds shall be provided when required.
- 6 Horses shall be adequately supplied with suitable food, drink and (except in the case of horses maintained at grass, so long as they are so maintained), bedding material, and shall be adequately exercised, groomed and rested and visited at suitable intervals.
- 7 All reasonable precautions shall be taken to prevent and control the spread among horses of infectious, contagious diseases.
- 8 Veterinary first-aid equipment and medicines shall be provided and maintained at the premises.
- 9 Appropriate steps shall be taken for the protection and extrication of horses in case of fire. The name, address and telephone number of the licensee or other responsible person shall be kept displayed in a prominent position at the outside of the premises. Instructions as to action to be taken in the event of fire, with particular regard to the extrication of horses, shall be kept displayed in a similar position.
- 10 Adequate accommodation shall be provided for forage, bedding, stable equipment and saddlery.
- 11 Reasonable access should be provided to remove animals from buildings.
- 12 Some convenient release should be provided for tied up animals.
- 13 Adequate fire fighting equipment should be available, e.g. suitable lengths of rubber hose from water taps or 2 gallon water type extinguishers. Whichever is provided, to be suitably protected from the weather and indicated.
- 14 No operation or process likely to result in an outbreak of fire should be permitted in or adjacent to the licensed premises.
- 15 'No Smoking' notices should be prominently displayed in the licensed premises.
- 16 A simple alarm to summon assistance will be required, e.g. triangle and striker or handbell.
- 17 The premises shall be kept clear of all unnecessary rubbish and combustible materials.





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# Appeal Decision

Site visit made on 14 August 2018

**by Thomas Shields MA DURP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 September 2018**

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**Appeal Ref: APP/X0415/C/17/3186760**

**233 Berkhamstead Road, Chesham, HP5 3AP**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
- The appeal is made by Mrs Lauren Hamilton against an enforcement notice issued by Chiltern District Council.
- The enforcement notice was issued on 31 August 2017.
- The breach of planning control as alleged in the notice is the erection of two single storey rear extensions, first floor rear extension, rear dormer with Juliet balcony in the positions as shown on drawing No. 1004 submitted as part of application CH/2016/2142/FA.
- The requirements of the notice are: Remove the first floor rear extension as shown on drawing No. 1004 submitted as part of application CH/2016/2142/FA as the "proposed" extension and restore the roof to its original alignment in accordance with details shown on drawing No. 1004 CH/2016/2142/FA as the existing elevation.
- The period for compliance with the requirements is 3 months.
- The appeal proceeds on the grounds set out in section 174(2)(a) (c) (e) (f) and (g) of the Act. The application for planning permission deemed to have been made under section 177(5) of the Act falls to be considered.

**Summary of Decision: The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails and the enforcement notice as corrected and varied is upheld as set out below in the Formal Decision.**

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## Decision

1. It is directed that the enforcement notice be corrected in Section 3 by deleting the words "with Juliet balcony".
2. It is directed that the enforcement notice be varied in Section 6 by deleting the words "3 months" and substituting instead "6 months".
3. Subject to the correction and variation the appeal is allowed and planning permission is granted on the application deemed to be made by section 177(5) of the Act insofar as it relates to the erection of two single storey rear extensions and a rear dormer at 233 Berkhamstead Road, Chesham, subject to the following condition:
  1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, no windows shall be inserted in either flank elevations of the dormer roof extension hereby permitted.
4. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to be made by section 177(5) of the Act insofar as it relates to the erection of the first floor rear extension.

### **The enforcement notice**

5. The allegation at Section 3 of the notice describes the development subject of the alleged breach of planning control as being the erection of two single storey rear extensions, a first floor rear extension, and a rear dormer with Juliet balcony. However, there was no Juliet balcony in place, as alleged, at the time of my visit to the appeal site, nor is one present in any of the photographs submitted in evidence. I am satisfied that removing "Juliet balcony" from the allegation would not prejudice either party's case and I have therefore corrected the notice accordingly using powers available to me under section 176(1) of the Act.

### **The appeal on ground (e)**

6. Ground (e) concerns whether a copy of the enforcement notice was properly served as required by section 172 of the Act. Section 172(2) provides that a copy of an enforcement notice shall be served (a) on the owner and on the occupier of the land to which it relates; and (b) on any other person with an interest in the land. The appellant states that she never received a copy of the notice; that she found a notification slip at the unoccupied appeal property and was informed later at the post office that the notice had been returned to the Council.
7. Service of an enforcement notice can be achieved by sending it to the person on whom it is to be served in a prepaid registered letter, or by the recorded delivery service, addressed to that person at their usual or last known place of abode, as provided by section 329(1)(c). The Council say this is what they did and have provided copies of the certificates of service<sup>1</sup> dated 1 September 2017.
8. The Courts have held that *sending* the notice in such a manner is sufficient to comply with the service requirements of the Act, and that it is not necessary to demonstrate that the person actually received it. A copy of the notice was also sent by post to the appellant's agent on 1 September 2017<sup>2</sup>.
9. Notwithstanding the above, the appellant in any event discovered the existence of the notice and was able to lodge the appeal within the specified time limits. Her interests have not therefore been prejudiced. Hence, even if there were failure of service, I would disregard it under my powers in section 176(5) of the Act.
10. The appeal on ground (e) therefore fails.

### **The appeal on ground (c)**

11. The ground of appeal is that the matters alleged in the notice to have occurred do not constitute a breach of planning control. The onus of proof lies with the appellant, and the test of the evidence is on the balance of probability.
12. The appellant argues that the rear dormer roof extension is "permitted development" by virtue of Article 3 and Class B, Part 1, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. The dormer roof extension and a single storey rear extension with two

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<sup>1</sup> Council's Appendix 4

<sup>2</sup> Council's Appendix 3 – letter to agent enclosing a copy of the enforcement notice



- rooflights, is shown in the approved plans attached to permission Ref: CH/2016/0784/FA. He contends on this basis that they benefit from planning permission and so do not constitute a breach of planning control.
13. It is not argued by the appellant, and there was no evidence that I could see on site, that that the alterations to the property comprising the two single storey extensions, the first floor extension, and the dormer roof extension were carried out as single individual operations at different times. I take the view therefore that the alterations and extensions to the property comprised a single building operation.
  14. In this regard it is clear that there are variations between the as-built development and that shown in the approved plans (CH/2016/0784/FA) - the single storey extension adjacent to No. 231 has a single level roof instead of two higher and lower levels, there are three non-approved windows in its rear and side elevations, and the large first floor extension is clearly much larger than as approved. Taken together, these are not minor variations from the approved plans. In accordance with long established Court judgments I find that the development as a whole is substantially different to that which was approved and hence does not benefit from permission Ref: CH/2016/0784/FA.
  15. Taken in isolation, a dormer roof extension, such as the one in this case, could be constructed as permitted development. However, where it forms an integral part of a larger single building operation which is unauthorised, as I have found to be the case here, it also forms a part of that unauthorised development. Hence, it does not benefit from planning permission as argued.
  16. The appeal on ground (c) therefore fails.

### **The appeal on ground (a)/deemed application for planning permission**

17. An appeal on ground (a) is that planning permission should be granted for the development set out in the breach of planning control at Section 3 of the (corrected) notice. Thus, planning permission is sought for the as-built two single storey extensions, first floor rear extension, and rear dormer.
18. I note the objections from the occupiers of the neighbouring property at No. 231 regarding the window in the rear end elevation of the adjacent single storey extension, but windows in such positions at the rear of houses are commonplace and do not in my view unacceptably affect privacy. I find that to be the case here. The separate outhouse building referred to is not subject of the enforcement notice.
19. I am also mindful that the development on site, other than the first floor extension, is the same or very similar in scale and appearance to that approved by the extant planning permission, and that the dormer roof extension could have been constructed, in different circumstances, as "permitted development" as I have explained under the ground (c) appeal. In any event, the Council's objections do not extend to all of the development carried out on site. It is important to note that the Council's requirements at Section 5 of the notice require only the removal of the first floor extension and restoration of the roof to its original alignment.
20. Turning then to the first floor rear extension, I consider it to be excessively bulky and out of scale with the proportions and character of the host dwellinghouse. As such it detracts from the character and appearance of the

area. Also, its height coupled with its rear-ward projection has an oppressive and overbearing effect when viewed from the rear gardens of the adjoining properties, particularly so in the case of No. 231. It thereby results in significant harm to the living conditions of the occupiers of those properties.

21. Although the rear elevation window at first floor is unlikely to enable any significantly greater overlooking and loss of privacy to neighbours than previously existed, the side window in the extension faces directly towards and overlooks the rear garden of No. 231. This results in both a real and perceived loss of privacy for those occupiers. I acknowledge that if permission were granted a planning condition could be imposed to secure the removal of that side window; however that would not overcome my concerns regarding the extension's impact on the character and appearance of the host property and the area, or the harm to the living conditions of adjoining occupiers I have described.
22. The appellant refers to the two storey extension at No. 235 in comparison to the appeal scheme. However, that is an end property where the rear projection is not along the boundary between properties. It was also granted planning permission some considerable time ago in the context of local and national planning policies which are now out of date. It does not add any significant weight in support of allowing the appeal for the first floor extension subject of this appeal.
23. For these reasons I find that the first floor extension results in significant harm to the character and appearance of the host dwelling and the surrounding area and to the living conditions of neighbouring occupiers. As such the extension conflicts with the requirements of Policies GC3, H13 and H14 of the Chiltern Local Plan. It also conflicts with the Council's residential Extensions and Householder Development SPD (2013) and with the provisions of section 12 of the National Planning Policy Framework (2018) which seeks to secure good design as a key aspect of sustainable development, and a high standard of amenity for existing and future users.
24. In consideration of all these matters I come to the conclusion that a split decision should be issued which allows the appeal on ground (a) and grants planning permission for those elements of the development that the Council have not sought to enforce against, those being the single storey rear extensions and the dormer roof extension; and which dismisses the appeal and refuses planning permission for the first floor rear extension.
25. I will impose a condition prohibiting the insertion of any windows in the flank walls of the dormer roof extension, that being necessary to prevent wider overlooking and loss of privacy for occupiers of adjoining properties.

### **The appeal on ground (f)**

26. An appeal on ground (f) is that the requirements of the notice exceed what is necessary to achieve the purpose of the notice. The appellant argues that requirement to remove the first floor extension is excessive.
27. The appellant's reference to permitted development and a fall-back position are arguments which are more properly relevant to the appeal under made under ground (a) that planning permission should be granted. The appeal on ground

- (a) in this case, insofar as it relates to the first floor extension, has been dismissed for the reasons I have already set out.
28. The purposes of an enforcement notice are set out in section 173 of the Act. They are either to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)). Given that the Council has not sought to enforce against all of the development carried out, instead requiring removal only of that element of the development they consider results in harm to amenity, the purpose clearly falls within s173(4)(b).
29. Given the harm I have identified to the character and appearance of the host dwelling and to the living conditions of neighbouring occupiers, I consider that there are no lesser alternative requirements which could be imposed that would overcome that harm. As such, the removal of the extension is the minimum necessary to remedy the injury to amenity and therefore is not an excessive requirement.
30. The appeal on ground (f) fails.

**The appeal on ground (g)**

31. The ground of appeal is that the period of time for compliance with the notice falls short of what should reasonably be allowed.
32. The Council seeks compliance with the notice requirements within 3 months. The appellant seeks a period of 9 months.
33. I agree that a reasonable period of time should be allowed in order to secure and schedule materials and to engage a suitable builder in order to complete the required remedial works. With that in mind compliance would be difficult to achieve within 3 months. However, the proposed 9 months seems excessively long given the relatively limited scope of works to be carried out.
34. I consider that six months would be more reasonable in all the circumstances. Therefore, the appeal on ground (g) succeeds to this extent and I have varied the notice accordingly.

*Thomas Shields*

INSPECTOR



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## Appeal Decision

Site visit made on 21 August 2018

by **Paul Dignan MSc PhD**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2018

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### Appeal Ref: **APP/X0415/X/17/3184571**

**Land southeast of Huge Farm, Chesham Road, Bellingdon, Chesham, Buckinghamshire, HP5 2XW.**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal in part to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Ms Emma Stratford and Mr Paul Ford against the decision of Chiltern District Council.
  - The application Ref. CH/2017/0224/EU, dated 5 February 2017, was refused in part by the Council by notice dated 27 April 2017.
  - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
  - The use for which a certificate of lawful use or development is sought is Private equestrian use for the keeping, exercising, schooling and riding of horses.
- 

### Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is considered to be lawful.

### Preliminary matters

2. There are two appeals concerning the appeal site, this appeal and another, ref. APP/X0415/W/17/3187502, made under section 78 of the 1990 Act against the refusal of planning permission for "Erection of a 4-horse stable block with hay store and tack room and formation of a 50m x 25m manege on the established equestrian land southeast of Huge Farm at Chesham Road in Bellingdon." Both appeals were "linked" by the Planning Inspectorate and would normally be determined at the same time. Clearly my decision to issue an LDC in the terms originally sought is a material consideration in the section 78 appeal, but also the Council has in the interim granted planning permission for a smaller stable block on another part of the appeal site and this has now been erected. Since my decision on the merits of the section 78 appeal must take into account all material considerations relevant on the date of issue, and the position is now materially different to that when the appeals were made, I have sought further representations from the parties before I go on to determine appeal APP/X0415/W/17/3187502
3. Applications for costs were made by the appellants and Chiltern District Council against each other. These applications will be the subject of separate Decisions following the determination of appeal APP/X0415/W/17/3187502.

## Reasons

4. The appeal concern a small field, about 0.64ha, on the southern side of Chesham Road, part of a larger landholding historically attached to nearby Huge Farm, but now owned by the appellants along with the neighbouring paddocks. Ms Stratford leased the land from October 2006 until they bought it last year. Before that members of the Stratford family had leased the land from the previous owners for a number of years. The appellants' evidence, in the form of statutory declarations from themselves and neighbours, with supporting photographs and some Land Registry details, indicates that the site has been used for horses since about 1993. The Council does not appear to dispute this, but came to the view that the presence of the horses on the site was not necessarily a non-agricultural use, or at least entirely so, noting in its officer's report that horses appeared to have been kept on the land for mainly grazing use, with schooling and grooming considered as being care of the horses. Some exercising of horses on the land that were stabled elsewhere was also accepted however, which appears to have led to the conclusion that there had been a material change of use of the land from agriculture to a mixed use of agriculture and a limited equestrian use. It considered that this use had subsisted for at least 10 years prior to the application and hence was immune from enforcement by virtue of section 171B(3) of the 1990 Act. It issued an LDC, in modified terms, certifying that the use of the land for 'agricultural purposes (including for the grazing of horses ponies) and for the keeping of up to four horses/ponies for private recreational non-commercial and non-professional purposes' was lawful due to immunity from enforcement.
5. The basis of the appeal is that the LDC should have been granted in the terms originally applied for, that is a non-commercial equestrian use only.
6. For the purposes of the 1990 Act, agriculture<sup>1</sup> 'includes ... the keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), (and) the use of land as grazing land ...'. However, the *Belmont Farm Ltd*<sup>2</sup> judgement makes it clear that horses kept for recreation are not 'livestock' for the purposes of the definition. The judgement in *Sykes*<sup>3</sup> established that simply turning horses out onto land with a view to feeding them from the land amounts to grazing. What does not fall within the definition of agriculture is the keeping of horses, and the *Sykes* judgement recognises that horses may be both grazed and kept in the same place. In determining which is the primary use, the question that must be addressed is "what is the purpose for which the land is being used?".
7. Land can be used for grazing if horses are turned onto it with the primary purpose of feeding them from it, but they can kept on it for some other purpose, such as exercise or recreation, when grazing may be more incidental and inevitable. Typically horse grazing as an agricultural activity would be a casual activity wholly dependent on the amount of grass available, whereas supplementary feeding of the horses would support the proposition that they were being kept on the land rather than merely grazing.
8. The supporting evidence in this case includes a list of horses that have been kept on the land over the years, since 1993, all of which are said to have been

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<sup>1</sup> S.336(1) of the 1990 Act

<sup>2</sup> *Belmont Farm Ltd v Minister of Housing and Local Government* (1962) 13 P. & C.R. 417 QDB

<sup>3</sup> *Sykes v Secretary of State for the Environment and Another* [1981] 42 P & CR.

grazed, exercised, schooled, ridden and jumped on the land. Most are said to have lived on the field during their time there, though apparently the larger horses were also stabled nearby in rented stables, and it seems that overwintering on the land was not the general rule. There has evidently been a hay storage facility on the land for a number of years, there are photographs of horses on the site being fed hay, and there is not actually sufficient land<sup>4</sup> to graze the number of horses kept on it without supplementary feeding. It appears from the appellants' evidence, and there is no evidence to the contrary, that there have been horses on the land for most of the time since 1993, and that have been there primarily for recreation and leisure purposes rather than to graze the land.

9. I acknowledge that it can be difficult for local planning authorities to take enforcement action in circumstances such as this where a small number of horses are being kept on land without much in the way of physical infrastructure, and on any given day the horses could well appear to be there solely for grazing purposes. However, I am satisfied that there is sufficient evidence in this case to show, on the balance of probabilities, that the primary purpose for which the land was being used for well over 10 years continuously before the application date was the keeping of horses for private leisure and recreation purposes. As a material change of use of the land it is now immune from enforcement and therefore lawful by reference to section 191(2)(a) of the 1990 Act.
10. I conclude accordingly, on the evidence now available, that the Council's refusal in part to grant a certificate of lawful use or development in respect of private equestrian use for the keeping, exercising, schooling and riding of horses was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

*Paul Dignan*

INSPECTOR

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<sup>4</sup> Where land is being used as grazing land, Defra's Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids – December 2017 recommends the provision of at least 0.5 hectares per horse.



## Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015: ARTICLE 39

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**IT IS HEREBY CERTIFIED** that on 5 February 2017 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use described in the first schedule, being a material change of use, has taken place on the Land described in the Second Schedule for a period of more than 10 years prior to the date of the application and is immune from enforcement action by virtue of section 171B(3) of the 1990 Act.

Signed

*Paul Dignan*

Inspector

Date 12 September 2018

Reference: APP/X0415/X/17/3184571

### **First Schedule**

Private equestrian use for the keeping, exercising, schooling and riding of horses.

### **Second Schedule**

Land southeast of Huge Farm, Chesham Road, Bellingdon, Chesham,  
Buckinghamshire, HP5 2XW

## NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.





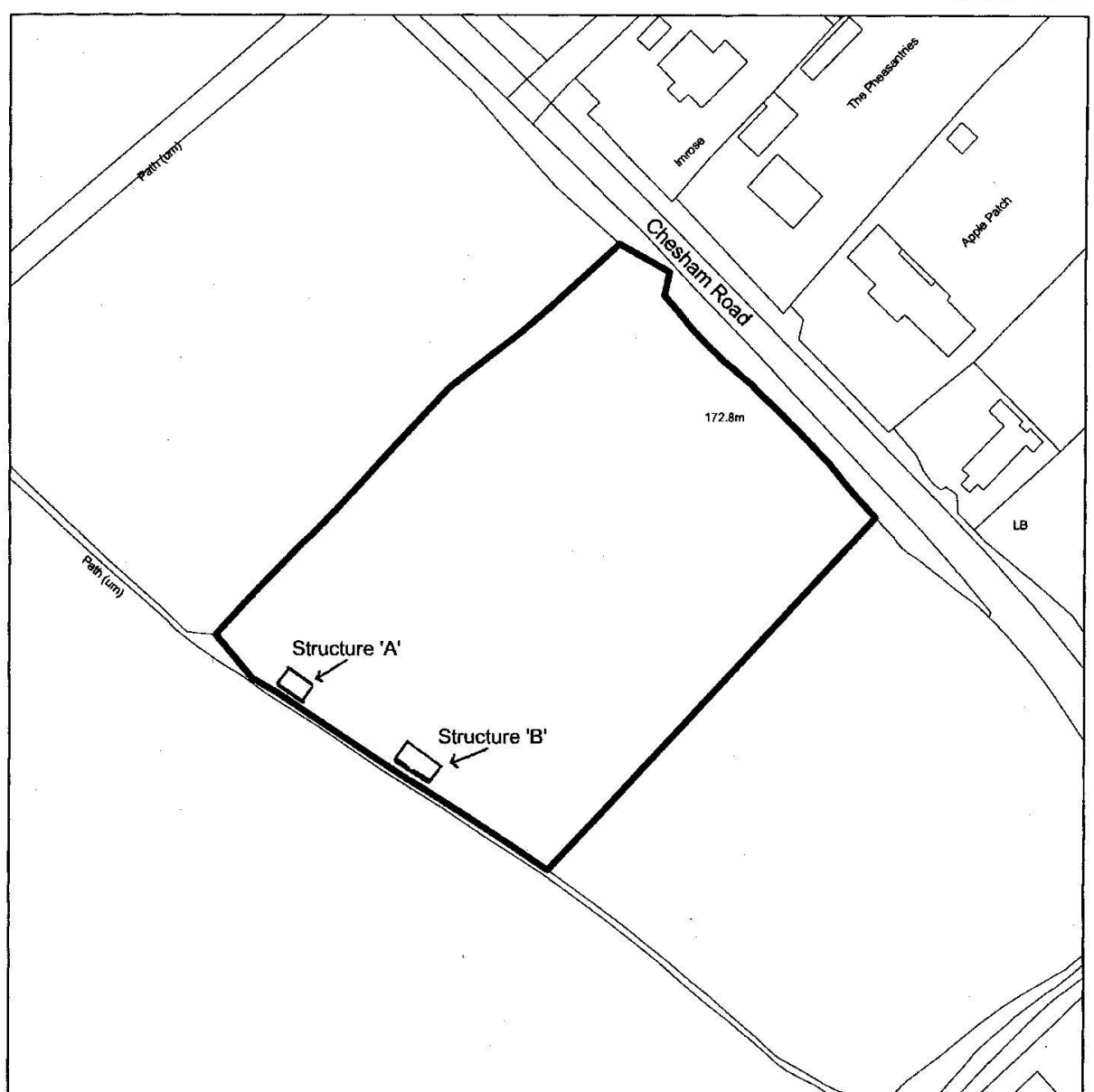
## Plan

This is the plan referred to in the Lawful Development Certificate dated: 12 September 2018

by Paul Dignan MSc PhD

Land southeast of Huge Farm, Chesham Road, Bellingdon, Chesham,  
Buckinghamshire, HP5 2XW

Reference: APP/X0415/X/17/3184571





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## Appeal Decision

Site visit made on 4 September 2018

**by Grahame Gould BA MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25<sup>th</sup> September 2018**

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**Appeal Ref: APP/X0415/W/17/3191293**

**Mulberry Lodge, 64A Wycombe Road, Prestwood, Great Missenden,  
Buckinghamshire HP16 0PQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Eaden against the decision of Chiltern District Council.
  - The application Ref CH/2017/1660/FA, dated 30 August 2017, was refused by notice dated 17 October 2017.
  - The development proposed is replacement detached garage.
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### Decision

1. The appeal is dismissed.

### Procedural and Background Matters

2. The development would involve the construction of a detached garage and the extension of a hardstanding adjacent to 64A Wycombe Road (No 64A), with the former replacing a timber shed. No 64A is a dwelling at the boundary between the built up area for Prestwood and the countryside, which is in the Green Belt. There is disagreement between the appellant and the Council as to No 64A's precise relationship with the Green Belt. That is because the Green Belt boundary shown on the adopted Policy Map (ie the paper version of the map) that accompanies the development plan is inconsistent with the boundary's alignment shown on the digital version of that map published by the Council. The development plan comprises the saved policies of the Chiltern District Local Plan of 1997, as altered in 2001 (the Local Plan) and the Core Strategy for Chiltern District of 2011 (the Core Strategy).
3. As digital versions of Policy Maps have no legal status the Green Belt boundary shown on the paper version of the development plan's Policy Map should be taken as being the authoritative representation of the boundary. Given the above mentioned inconsistency, at my request the Council has submitted an extract of what it considers is the currently adopted version of the 'Great Missenden and Prestwood Inset Map' (the Inset Map), ie that 'confirmed by the adoption of the Core Strategy'. The appellant, however, contends that the boundary shown on that Inset Map is incorrect, with it being contended that the black line depicting the Green Belt's boundary was added by the Council at some time after the Local Plan's adoption.
4. The Inset Map's submission with this appeal has therefore not resolved the disagreement about the Green Belt boundary's position within the vicinity of No 64A. However, even on the appellant's interpretation of the boundary, ie

the line shown on application drawing 17-7-31, around half of the garage subject to the appealed application would be in the Green Belt for the purposes of the extant development plan. On that basis I consider that the garage's construction would in part involve development within the Green Belt and that both local and national planning policies for the Green Belt are relevant to the determination of this appeal.

5. Further to the appeal's submission the Government published the revised National Planning Policy Framework on 24 July 2018 (the revised Framework). Given the reference to the previous version of the Framework in the reason for refusal, the appellant and the Council have been given the opportunity to comment on the relevant parts of the revised Framework. I have taken account of the comments that have been submitted in that regard.
6. The appellant has drawn attention to the planning permission (CH/2017/2073/FA) granted by the Council on 8 January 2018 for a detached garage adjacent to No 64A (the extant garage permission). While a copy of the planning permission concerning the extant garage permission was submitted shortly after the appeal's lodging no drawings relating to that development were provided. Accordingly at my request, and for the purposes of clarification, the appellant has provided a copy of the drawings referred to in the extant garage permission<sup>1</sup>. In that regard the design of the garage concerning the appeal development is the same as that subject to the extant permission, with the only difference between the proposals concerning the garage's siting.

### **Main Issues**

7. The main issues are:
  - whether the garage would be inappropriate development in the Green Belt having regard to the development plan policies and the revised Framework;
  - the effect of the development on the openness of the Green Belt;
  - the effect of the development on the character and appearance of the Chilterns Area of Outstanding Natural Beauty (the AONB); and
  - if the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

### **Reasons**

#### *Whether inappropriate development within the Green Belt*

8. Saved Policy GB2 of the Local Plan indicates that development in the Green Belt is inappropriate and will therefore be refused unless it would be within one of six categories (exceptions), the most relevant to this case being the third exception. The third exception states that planning permission may be granted for the limited extension, alteration or replacement of existing dwellings in accordance with Policies GB6, GB7, GB12, GB13 and GB15 of the Local Plan. Saved Policy GB15 of the Local Plan concerns 'ancillary residential

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<sup>1</sup> Drawings 17-11-3 and 17.8.29

buildings within the curtilage of an existing habitable dwelling in the Green Belt' and states, amongst other things, the construction or extension of ancillary non-habitable buildings within domestic curtilages, such as detached garages, will generally be permitted when such buildings would be both small and subordinate in scale to the original dwelling.

9. Paragraph 143 of the revised Framework states that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. However, paragraph 145 of the revised Framework lists seven exceptions for development that may, in certain circumstances, be regarded as being not inappropriate in the Green Belt. Paragraph 145's fourth exception (paragraph 145(d) specifically relates to replacement buildings and states 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'. I consider it appropriate to assess the appeal development against the provisions of paragraph 145(d), rather than the paragraph 145(c), the third exception (the extension or alteration of a building etc). That is because the garage subject to the appealed application would replace an existing building.
10. The age of Policies GB2 and GB15 mean that they are reflective of the national policy that was stated in Planning Policy Guidance 2 'Green Belts' (PPG2). However, PPG2 was replaced by the Framework (first published in March 2012), which itself has now been replaced by the revised Framework. Policies GB2 and GB15 are therefore not written in the same terms as paragraph 145(d) of the revised Framework because the latter does not draw a distinction between residential and non-residential buildings, nor does it make reference to freestanding buildings needing to be within 'domestic curtilages'. There is therefore some inconsistency between the wording of the saved Local Plan policies and paragraph 145(d) of the revised Framework.
11. The revised Framework is a material consideration of great weight. As there is a degree of inconsistency between the development plan's policies and the revised Framework, I consider it apt to apply greater weight to paragraph 145(d) than Policies GB2 and GB15, having regard to paragraph 213 of the revised Framework.
12. Given the wording of paragraph 145(d) I am of the opinion that the question as to whether the land on which the garage would stand does or does not form part of No 64A's garden to be of no particular significance. I shall therefore make no further reference to that matter other than to comment that it would appear to be capable of resolution, one way or the other, via the submission of a lawful development certificate application, as alluded to in the Council's letter responding to correspondence dating from 28 April 2003<sup>2</sup>.
13. The garage would be materially larger than the shed it would replace, with the former being 24.75 square metres (sq.m) and the latter being 6.0 sq.m<sup>3</sup>.
14. Given the difference in the size between the existing and replacement buildings I conclude that the garage would be inappropriate development in the Green Belt for the purposes of paragraph 145(d) of the revised

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<sup>2</sup> Appendix 3 of the appellant's appeal statement

<sup>3</sup> Floor areas based on the dimensions and area quoted in 'The Proposal' section of the Design and Access Statement submitted with the appealed application

Framework. There would also be some conflict with Policy GB2 of the Local Plan because of the development's inappropriateness in the Green Belt. The development because of its inappropriateness would, by definition, be harmful to the Green Belt and paragraph 144 of the revised Framework states that substantial weight should be given to that harm.

#### *Green Belt openness*

15. Paragraph 133 of the revised Framework states that openness is an essential characteristic of the Green Belt. As the garage would add to the amount of built development in the Green Belt there would be some loss of openness. However, the garage would of itself be modest in scale and I therefore conclude that this development would have a small harmful effect on the Green Belt's openness.

#### *Effect on the AONB*

16. Within an AONB there is a general duty to have regard to the purpose of conserving and enhancing AONB's natural beauty (Section 85 of the Countryside and Rights of Way Act 2000 [the CROW Act]). Saved Policy LSQ1 of the Local Plan addresses development within the AONB and restates the aforementioned general duty. Policy LSQ1 goes on to state that new development within the AONB should conserve, and where considered appropriate and practicable enhance the special landscape character and high scenic value of the AONB. Policy LSQ1 indicates that development will be refused when the objectives of conserving and enhancing the AONB would not be met, unless very exceptional circumstances can be demonstrated that would outweigh the landscape objectives.
17. Paragraph 170a) of the revised Framework states that planning policies and decisions should contribute to '... protecting and enhancing valued landscapes ...'. Paragraph 172 states that 'Great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues ...'. I consider that Policy LSQ1 is consistent with the paragraphs 170a) and 172 of the revised Framework.
18. While the new garage, of itself, would be of a limited size its construction would be associated with the extension of No 64A and the conversion of its existing garage into habitable accommodation, in the event of planning permission CH/2017/1661/FA (the conversion permission) being implemented. The implementation of both the conversion permission and the appeal development would to a degree increase the amount of built in the AONB, in a location at the edge of Prestwood's built up area where there is a transition to essentially undeveloped countryside beyond the settlement.
19. The garage benefiting from the extant permission could be built behind the garage subject to this appeal. Under the terms of the extant garage permission it would be necessary for that building to be constructed to accord with the approved drawings. However, subsequent to that garage's construction, under the terms of its permission, there would be no conditional requirement for it to be used for vehicle parking or any other specified use. The garage subject to the extant permission would therefore be capable of being used for purposes other than parking, were another garage to be constructed in front of it. If the building benefiting from the extant garage

permission was to be constructed together with the extensions forming part of the conversion permission and the appeal development then I consider the cumulative effect would be incompatible with conserving and enhancing the AONB's natural beauty.

20. I am mindful of the fact that the appellant has stated at the final comments stage there is no intention to build both garages. However, for so long as the existing garage permission remained extant, its implementation would remain a possibility. I consider that the construction of both garages would be harmful for the AONB, because collectively their presence would not accord with the general duty. In that regard just because new development would largely be screened from view would not of itself make it permissible when the general duty is applied.
21. It would be unlawful for me to impose a planning condition with the effect of extinguishing the extant garage permission. The extinguishment of the extant garage permission could only be secured either by the appellant entering into a planning obligation under Section 106 of the Act or the Council or the Secretary of State revoking the permission, respectively under Sections 97 and 100 of the Act. There is, however, a liability for compensation to be paid when a planning permission is revoked under Sections 97 or 100. The appellant's statement that two garages would not be built does not amount to something that I consider I can rely on.
22. For the reasons given above I conclude that the appeal development, in combination with the other extant approved developments relating to No 64A, would have the potential to unacceptably harm the character and appearance of the AONB. I therefore consider that the appeal development would be contrary to Policy LQS1 of the Local Plan and paragraphs 170a) and 172 of the revised Framework because it would not conserve and enhance the special landscape character and scenic quality of the AONB. I consider that shortcoming of the development attracts substantial weight.

#### *Other Considerations*

23. Irrespective of the outcome of this appeal there is an extant permission for the construction of a garage. That garage would enable covered parking to continue to be available to No 64A's occupiers in the event that the extant garage conversion permission was implemented. The garage subject to the appealed application would be located forward of the garage benefiting from the extant permission and the appellant has submitted that there are two reasons why the former is required. Those reasons being '... to allow direct access from the ground floor of the house into the main garden, without having to cross the parking area or blocking the view of the garden from windows in the converted garage'<sup>4</sup>.
24. However, no explanation has been given as to why crossing the domestic parking area to get to the garden would be problematic. While the siting of the garage subject to the extant permission might have some effect on the outward views from the habitable accommodation to be provided in the converted garage, on the evidence available to me I am not persuaded that any effect on those views would be severe. I am therefore of the opinion that

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<sup>4</sup> Paragraph 6.3d of the appellant's appeal statement

very little weight should be attached to the appellant's justification for the appeal development.

### **Conclusions**

25. The appeal development would have a limited effect on the openness of the Green Belt. That development would nevertheless amount to inappropriate development in the Green Belt for the purposes of the local and national planning policy that I have referred to above. That inappropriateness would be harmful for the Green Belt and the revised Framework states that substantial weight should be attached to Green Belt harm. I have also concluded that there would be potential for unacceptable harm to be caused to the AONB's character and appearance.
26. I consider that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. I therefore conclude that the appeal should be dismissed.

*Grahame Gould*

INSPECTOR





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## Appeal Decision

Site visit made on 18 September 2018

by **David Troy BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary

Decision date: 3 October 2018

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### Appeal Ref: **APP/X0415/W/18/3201708**

### Hall and Premises, Park Road, Chesham HP5 2JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Mus'ab Panjwani against the decision of Chiltern District Council.
  - The application Ref CH/2018/0104/FA, dated 18/01/2018, was refused by notice dated 21 March 2018.
  - The development proposed is partial rebuild including minor extension and roof alterations to form loft storage area.
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### Decision

1. The appeal is allowed and planning permission is granted for partial rebuild including minor extension and roof alterations to form loft storage area at Hall and Premises, Park Road, Chesham HP5 2JE in accordance with the terms of the application, Ref CH/2018/0104/FA, dated 18/01/2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the approved plans: 2453-1-GA1, 2453-1-EX1 and 2453-1-A4-LOC1.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Procedural Matter

2. Since the determination of the application the revised National Planning Policy Framework (the Framework) was published on 24 July 2018. The main parties have been consulted on the Framework in relation to this appeal. I have therefore considered the development against the relevant aims and objectives of the Framework.

### Main Issue

3. The main issue is the effect of the proposed development on the setting of the listed buildings at Nos. 1-2 and 3-4 Park Road.



## Reasons

4. The appeal site comprises of a single storey detached community building located at the rear of a terrace of Grade II listed cottages at Nos. 1-2 and 3-4 Park Road. The timber clad community building, which has suffered extensive fire damage, serves as a classroom and store in association with Rawdhah Academy, a D1 institute providing an Islamic learning centre. The appeal building would be separated by the narrow rear gardens, outbuildings and a single access track running alongside No. 1 Park Road. The immediate area is in mixed use and does not have a clearly defined architectural character.
5. The appeal building is surrounded by a large corrugated steel Rawdhah Academy assembly building to the west, a two storey end terrace residential property to the north, commercial car repair premises to the north-east and the car parking and bin storage area associated with a three storey block of flats to the east. The significance of the surrounding buildings is derived from their substantial scale and modern design built on varying levels, which contrasts with the more traditional appearance of the adjacent two storey listed cottages. The significance of the 18<sup>th</sup> Century listed cottages to the south of the appeal building is derived from their group value with coloured washed brick work and old tiled pitched roofs that can be appreciated from both outside as well as within the site. This provides a varied context and palette of materials in the immediate surroundings.
6. The proposal would involve internal alterations and the construction of a partial first floor extension with small front projection over the northern end of the building to create a new loft storage area. The building would be predominantly constructed from dark timber cladding with a pitched grey felt gabled end roof with a maximum ridge height of about 4.75m.
7. The proposed extension and alterations would be seen in the context of the current varied architectural styles around the proposed extension and in the surrounding area. Given the modest scale and position of the proposed extension and the screening provided by the buildings and landscaping around the site and topography of the site and immediate surroundings, there is only limited inter-visibility of the proposed extension in the streetscene and the surrounding area. Given this context, to my mind, the development would not be unsympathetic to the streetscene nor would it appear out of place when taking into account the overall character of the area.
8. Against this backdrop, the scale, form and design of the proposed extension, set back behind the existing listed cottages, would not appear significantly out of place or excessive in relation to the built form of the appeal building and the adjacent properties. The modest overall increase of the first floor extension together with the use of matching materials and fenestrations would ensure the proposal would sit relatively unobtrusively against the existing simple form of the appeal building. This would allow the proposed extension to achieve an appropriate degree of subordination to the listed buildings at Nos. 1-2 and 3-4 Park Road and as such would have a neutral material impact on the setting of the adjacent listed buildings.
9. I therefore consider, on this matter, in accordance with the clear expectations of the Planning (Listed Buildings and Conservation Areas) Act 1990, that the setting of the listed buildings would be preserved. For the same reasons, the

development would accord with paragraphs 193 and 194 of the Framework in not harming the significance of the designated heritage asset or its setting.

10. Consequently, I conclude that the proposed development would not have a harmful effect on the setting of the listed buildings at Nos. 1-2 and 3-4 Park Road. It would be consistent with the overall aims of Saved Policy LB2 of the Chiltern District Local Plan 1997 (including the alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. This policy seeks to ensure that any development in the vicinity of a listed building would not adversely affect the setting of that listed building.

### **Other Matters**

11. I have noted the objections from the local residents and the Chesham Town Council to the proposal. These include the impact on the amenities of neighbouring properties, impact on the setting of the listed buildings, character of the area, overdevelopment, parking and traffic, impact on right of way and the disturbance during the construction works.
12. However, I have addressed the matters relating to the setting of the adjacent listed buildings and the character of the area in the main issue above. The other matters raised did not form part of the Council's reasons for refusal. I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions where appropriate. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

### **Conditions**

13. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. A condition requiring matching external materials is necessary, in order to protect the setting of the listed buildings and character and appearance of the area.

### **Conclusion**

14. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

*David Troy*

INSPECTOR



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## Appeal Decision

Site visit made on 20 August 2018

**by Ian McHugh Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 September 2018**

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**Appeal Ref: APP/X0415/D/18/3204202**

**15 Tylers Hill Road, Chesham, HP5 1XH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Passingham against the decision of Chiltern District Council.
  - The application Ref CH/2018/0354/FA, dated 26 February 2018, was refused by notice dated 23 April 2018.
  - The development proposed is a hip to gable roof extension and front and rear dormer windows and rooflight to facilitate a loft conversion.
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### Decision

1. The appeal is allowed and planning permission is granted for a hip to gable roof extension and front and rear dormer windows and rooflight to facilitate a loft conversion at 15 Tylers Hill Road, Chesham, HP5 1XH, in accordance with the terms of the application Ref CH/2018/0354/FA, dated 26 February 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers – THR PA 01 REV B; THR PA 02 REV H; and THR PA 03 REV D.
  - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

### Main Issue

2. The main issue is the effect of the proposal on the appearance of the existing dwelling.

### Reasons

3. The appeal property is a detached bungalow with a hipped roof. It faces Tylers Hill Road and is positioned within a relatively large plot. Adjoining properties are similar in appearance, but I noted during my site visit that a number have been altered and extended. Indeed, the appeal property has received a large single storey flat-roofed extension at the rear. Within the wider area, properties vary in terms of their age, size and appearance. The site is within the Green Belt.

4. My attention has been drawn to an extant planning permission for extensions at the dwelling, which was granted planning permission by the Council on 23 February 2018 (reference CH/2017/2188/FA). This approved development is for the erection of two dormers at the front of the property and alterations to the roof to form a part gable/part hip. In addition, the approved plans show two dormers on the rear, which the Council has confirmed would be permitted development. The Council has also confirmed that converting the hipped roof to a gable would be permitted development.
5. The appeal proposal is to convert the existing hipped roof into a gable roof on either side and to construct two pitched roof dormers at the front with a flat-roofed dormer at the rear. The proposed development would create two additional bedrooms, plus a bathroom.
6. As the property is situated within the Green Belt, there would normally be a requirement to assess whether the proposal would be inappropriate development within the Green Belt, with regard to the Development Plan and paragraph 145 of the National Planning Policy Framework 2018 (the Framework), taking into account the scale of existing and proposed extensions in comparison to the original dwelling. However, Saved Policy GB12 of the adopted Chiltern District Local Plan (LP) allows for extensions to dwellings in the Green Belt that are within the built up part of Tylers Hill, provided they do not extend the built form into adjoining open land. The Policy places no restrictions on the size of an extension. Consequently, the Council assesses such proposals with regard to their appearance and effect on neighbours.
7. In my opinion, the scale of the existing and proposed extensions to the appeal dwelling would normally conflict with paragraph 145 of the Framework as they would be disproportionate additions over and above the size of the original building.
8. However, it is a statutory requirement that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise. The provisions of the Framework are a material consideration but, in this instance, I give greater weight to Policy GB12 of the LP. The Policy is part of an adopted Local Plan (which will have been independently examined) and it is commonly used for decision making by the Council. The Council has confirmed that it does not consider the proposal to be inappropriate development within the Green Belt, because it accords with Policy GB12. In this instance, I agree with this conclusion.
9. The Council considers that the proposed rear dormer would be a dominant, obtrusive and incongruous form of development because of its overall bulk and size. It argues that it would conflict with Policy CS20 of the adopted Core Strategy and with Policies GC1, H13, H15 and H18 of the LP. These policies generally seek to ensure that new development and extensions are of high quality design; respect the character of the area; and respect the scale of existing dwellings. Policy H18 of the LP specifically states that large dormers will be refused. In addition, paragraph 127 of the Framework states that planning decisions should ensure that developments are visually attractive and that they add to the overall quality of the area.
10. The above policies are complemented by the Council's Supplementary Planning Document – Residential Extensions 2013 (SPD). This guidance states that

large flat-roofed dormers are not encouraged, because they often appear bulky and overly dominant in the roof-slope.

11. In my opinion, the scale and form of the proposed rear dormer would be a visually dominant structure and it would appear out of scale with the existing building, because of its overall width and height. Consequently, I consider that it would conflict with the policies of the Development Plan, the Council's SPD and with the Framework, as referred to above.
12. However, in reaching my decision, I have given weight to the 'fall-back' position that exists because of the permission previously granted by the Council and the works that could be carried out as permitted development (referred to in paragraph 4 above). Although the dormer, subject to this appeal, would be larger than the combined size of the two dormers that would be permitted development and it would cover a greater area of the roof, I am not persuaded that the difference in appearance would so significant as to justify a refusal of planning permission. Furthermore, the proposed dormer would not be visible from public viewpoints and it would be seen in the context of the existing large flat-roofed extension, which, in my opinion, is also out of scale and at odds with the character and appearance of the original dwelling.

### **Conditions**

13. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance.
14. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.
15. To ensure a satisfactory appearance, a condition requiring the use of external materials to match the existing dwelling is also necessary

### **Conclusion**

16. For the reasons given above, it is concluded that the appeal should be allowed.

*Ian McHugh*

INSPECTOR



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# Appeal Decision

Site visit made on 4 September 2018

**by Grahame Gould BA MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> September 2018**

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**Appeal Ref: APP/X0415/D/18/3208355**

**1 Coat Wicks, Seer Green HP9 2YR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Brewis against the decision of Chiltern District Council.
  - The application Ref CH/2018/0507/FA, dated 16 March 2018, was refused by notice dated 14 May 2018.
  - The development proposed is two storey and single storey side extension.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

## Reasons

3. The development would involve the construction of an essentially two storey, side extension. The extension would, all bar 200mm<sup>1</sup>, occupy the width of the side garden of the property (No 1)<sup>2</sup>. The extension's front and rear elevations would be set back from No 1's principal front and rear walls, while the addition's ridge line would be set a little below that of No 1.
4. No 1 occupies a prominent position, being at the northern end of the row of houses on the western side of Coat Wicks. No 1's side elevation fronts onto Farmers Way and Coat Wicks, like Godolphin Road, Culvers Croft, Barrards Way and Stable Lane, is orientated at right angles to Farmers Way. The houses at the end of the aforementioned streets, where they immediately adjoin Farmers Way, have purposefully been sited with side elevations that are set back from the back edge of the pavement. Those set backs being a means of creating some relieving space within the streetscene.
5. I consider the extension's siting would not be respectful of the purposefully planned and well established layout within this housing estate, given that its flank wall would be in such close proximity to the back edge of the pavement. I am mindful of the fact that the house opposite No 1, 1 Godolphin Road, has a two storey side extension. However, I consider the appeal development would not be comparable with that neighbouring addition because the latter is

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<sup>1</sup> As quoted by the Council

<sup>2</sup> As quoted by the Council

respectful of the layout of the houses in the area, given the generous set back from the back edge of the pavement.

6. The setting back of the extension's front and rear elevations, together with its lowered ridge are intended to make the extension appear as though it would be subordinate to No 1. However, given that No 1 does not have a particularly deep floorplan and having regard to this house's simple gable ended form, I consider that the extension would have the appearance of being oddly proportioned relative to the original house. I am therefore of the opinion that this extension would have a contrived appearance, which would not integrate well with No 1 or Farmer Way's streetscene. In that regard I observed no other additions of the intended form within the vicinity of No 1.
7. While there are three mature Sycamore trees within the verge immediately adjacent to No 1, those trees would provide limited screening for pedestrians using that pavement. The Sycamore trees would provide some screening for the extension from further afield, but only at times when these trees were in leaf. I am therefore not persuaded that the presence of the verge trees provides a justification for granting planning permission for the extension.
8. I conclude that the development would unacceptably harm the character and appearance of the area. I therefore consider that the development would be contrary to saved Policies GC1, H13, H15 and H16 of the Chiltern District Local Plan of 1997, as altered in 2001, Policy CS20 of the Core Strategy for Chiltern District of 2011 and the Council's Residential Extensions and Householder Development Supplementary Planning Document of 2013. That is because the design of the development would not be of a high standard and the extension would not be respectful of the streetscene, having regard to its prominence and siting and its proportions and form relative to No 1.

### **Other Matter**

9. Any issues that the appellant may have with the manner in which the Council determined the planning application are not relevant to the determination of this appeal and are therefore not for me to comment on.

### **Conclusion**

10. For the reasons given above I conclude that the appeal should be dismissed.

*Grahame Gould*

INSPECTOR





## Appeal Decision

Site visit made on 24 September 2018

**by Lynne Evans BA MA MRTPI MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 2 October 2018**

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**Appeal Ref: APP/X0415/D/18/3206814**  
**33 Grimsdells Lane, Amersham HP6 6HF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by A Ventress against the decision of Chiltern District Council.
  - The application Ref: CH/2018/0600/FA dated 1 April 2018, was refused by notice dated 29 May 2018.
  - The development proposed is erection of first floor rear extension.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The revised National Planning Policy Framework (Framework 2018) came into force on 24 July 2018 and from that date policies within the Framework 2018 are material considerations which should be taken into account in decision making. Although the Council's reason for refusal did not specifically refer to the National Planning Policy Framework 2012 extant at the time of the decision, both the Appellant and the Council referred to it in their documentation. From reading all the information before me from the Appellant and the Council, I am satisfied that the revised Framework 2018 carries forward the main policy areas from the earlier Framework, as relevant to this appeal.

### Main Issue

3. The main issue in this appeal is the effect of the proposal on the living conditions of the adjoining neighbours at No 31 Grimsdells Lane, with particular regard to outlook.

### Reasons

4. The appeal property is a semi-detached property on the south side of Grimsdells Lane in a predominantly residential area, within an Established Residential Area of Special Character as well as within the Weller Estate Conservation Area. The property has previously been extended and altered, including with a single storey rear extension. The proposal would provide a first floor rear extension under a hipped roof along part of the rear elevation over the existing single storey rear extension. It would be slightly set in from the western side elevation of the property and set further away from the eastern boundary with No 35 Grimsdells Lane.



5. The adjoining detached property at No 31 Grimsdells Lane is sited further forward in its plot. As a result, the first floor extension would be broadly in line with the rear terrace to No 31. Although the proposal would be set in from the side elevation of the appeal property and the hipped roof would be subservient in form to the main roof, I consider that the combined effect of its height, depth and proximity to the side boundary would have an enclosing and overbearing effect for the neighbours at No 31 both in terms of the outlook from windows to rear facing bedrooms at first floor level as well as rear facing rooms at ground floor and particularly those rooms closest to the common boundary.
6. Furthermore, the height and proximity of the solid massing of the proposal would also be visually intrusive and have an uncomfortable and enclosing effect for the neighbours from within the rear garden area, and particularly when using their rear terrace area, closest to their house. These impacts would, in my view, materially harm their living conditions.
7. I therefore conclude that the proposal would harm the living conditions of the neighbours at No 31 Grimsdells Lane, with particular regard to loss of outlook. This harm would conflict with Policies GC3, H13 and H14 of the Chiltern District Local Plan - 1997 (including alterations Adopted 29 May 2001, Consolidated September 2007 & November 2011) (Local Plan) and the Residential Extensions and Householder Development Supplementary Planning Document (September 2013) as well as the Framework 2018, all of which, amongst other things, seek for a high quality design which respect the amenities of existing and future occupiers.
8. The reason for refusal also refers to Policy GC2 of the Local Plan but this is specific to ensuring that proposals do not adversely affect levels of daylight and sunlight to neighbouring properties. This has not been raised as an issue and I have no reason to take a different view.
9. I have taken into account the permission granted by the Council for a first floor rear extension, under its reference, CH/2017/1651/FA, of similar dimensions but located further away from the boundary with No 31. It is sometimes the case, particularly where properties are sited close to each other, that the effect on the living conditions of immediate neighbours can be altered by relatively small scale changes to a proposal and that is my finding in this case. The existence of the earlier permission does not therefore persuade me that this proposal should be granted, given the harm I have concluded in respect of the proposal before me.
10. The Appellant has referred me to other extensions undertaken in the vicinity. Each proposal must be judged under its individual merits. Nonetheless I have taken these into account on the basis of the information provided. However, I do not know the relationship with adjoining properties in both cases and my consideration has been specific to the planning merits of the proposal before me.

### **Other Considerations**

11. The appeal property lies within designated heritage asset of the Weller Estate Conservation Area. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such

areas. The Conservation Area comprises two separate areas and primarily records the development of 'Metroland' in this local area, the 1930s suburban development, associated with the expansion of the railway as commuter routes to London. Despite subsequent alterations, many of the houses, including the appeal property, are semi-detached and characterised with large areas of sloping roofs, and rendered walls with front bays. Given its siting at the rear and its small scale in relation to the property I do not consider that the proposal would harm the significance of the Conservation Area and would therefore preserve its character and appearance. The Council also raised no concern in this regard. However, my findings in this regard do not outweigh the harm I have concluded under my main issue.

12. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*L J Evans*

INSPECTOR



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## Appeal Decision

Site visit made on 4 September 2018

**by Grahame Gould BA MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> September 2018**

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**Appeal Ref: APP/X0415/D/18/3207928**

**8 Beech Tree Road, Holmer Green, Buckinghamshire HP15 6UZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Paul Gardner against the decision of Chiltern District Council.
  - The application Ref CH/2018/0709/FA, dated 1 May 2018, was refused by notice dated 26 June 2018.
  - The development proposed is first floor front and side extension, two storey side extension and glass conservatory replaced with tiled roof.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. At the time of my site visit no one was present at the premises (No 8). I was, however, able to gain access to 10 Beech Tree Road (No 10), with a visit to that property having been requested by the Council. Given the living conditions issue raised in the Council's reason for refusal, I am content that having visited No 10 and viewed No 8 from the public highway I can determine this appeal without prejudice to the parties, notwithstanding the fact that I was unable to view No 8 internally.

### Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of No 10, with particular regard to light and outlook.

### Reasons

4. No 8 is one of a pair of 'linked' detached houses. No 10 being the other linked house. The development would involve the construction of a wrap-around first floor front and side (west) extension, with a two storey side extension immediately behind the existing garage and alterations to the roof of the rear conservatory. The two storey extension would tie into the first floor addition.
5. Within No 10's eastern (side) elevation there is a ground floor living room/study window and a first floor bedroom window. No 8 has similar side windows. The flank wall of the first floor and two storey extensions would be inset by 1.0 metre from the boundary between Nos 8 and 10. I estimate that would mean that the first floor elements of the development would be approximately 4.5 metres from No 10's living room and bedroom windows. Given the proximity, height and depth of the first floor side elements of the

development I consider it likely that those elements would unacceptably affect the receipt of natural light to and outlook from No 10's windows. Those adverse effects would be of particular significance to any user of what is No 10's middle bedroom because it only has one window.

6. I recognise that No 10's substantial patio Bay tree has some implications for the receipt of light to and outlook from that property's side windows. However, that tree is capable of being pruned and or could be removed were the occupiers of No 10 to consider it was having too great an effect on their living conditions. By contrast the first floor parts of the development would be permanent and immovable. I therefore consider that the tree's implications for the receipt of light to and outlook from No 10 would not be comparable with the effects of the extension. The absence of an objection from the occupiers of No 10 does not persuade me that the development would not harm their living conditions.
7. Having regard to the scale and siting of the first floor front extension relative to No 6, I consider that this element of the development would not harm the living conditions of the occupiers of No 6.
8. Reference has been made to the side extension that has been built at No 19. However, I do not consider that extension to be directly comparable with what is being proposed for No 8. That is because the house next to No 19's extension has no first floor windows in its side elevation, based on what I was able to see from the street.
9. I therefore conclude that the development would unacceptably affect the living conditions of the occupiers of No 10, when regard is paid to the receipt of light to and outlook from that house's side windows. I therefore consider that the development would be contrary to saved Policies GC2, GC3, H13 and H14 of the Chiltern District Local Plan of 1997, as altered in 2001, and the Council's Residential Extensions and Householder Development Supplementary Planning Document of 2013. That is because the development would not safeguard the living conditions of the occupiers of No 10, with particular regard to the receipt of natural light and outlook.

### **Conclusion**

10. For the reasons given above I conclude that this appeal should be dismissed.

*Grahame Gould*

INSPECTOR



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## Appeal Decision

Site visit made on 24 September 2018

**by Lynne Evans BA MA MRTPI MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 2 October 2018**

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**Appeal Ref: APP/X0415/D/18/3206778**

**Peterley Fourways Cottage, Wycombe Road, Prestwood HP16 0HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Starling against the decision of Chiltern District Council.
  - The application Ref: CH/2018/0771/FA dated 30 April 2018, was refused by notice dated 28 June 2018.
  - The development proposed is single storey rear and double storey side extension, change in access to the loft room and new garage.
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### Decision

1. I dismiss the appeal in so far as it relates to single storey rear and double storey side extension, change in access to the loft room.
2. I allow the appeal in so far as it relates to a new garage and planning permission is granted for new garage at Peterley Fourways Cottage, Wycombe Road, Prestwood HP16 0HJ in accordance with the terms of the application, CH/2018/0771/FA dated 30 April 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plan in so far as it is relevant to that part of the development hereby permitted: 217.040-1A.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall accord with those shown on Plan 217.040-1A.

### Preliminary Matters

3. The appeal proposals relate to two discrete elements, namely a proposed extension to the main house and a proposed detached garage. Although they have been presented together within one application and subsequent appeal, I have been given no reason in the information before me to suggest that the two parts of the proposal could not be considered separately.
4. The revised National Planning Policy Framework (Framework 2018) came into force on 24 July 2018 and from that date policies within the Framework 2018 are material considerations which should be taken into account in decision making. Although the Council's reason for refusal did not specifically refer to the

National Planning Policy Framework 2012 extant at the time of the decision, both the Appellant and the Council referred to it in their documentation. From reading all the information before me from the Appellant and the Council, I am satisfied that the revised Framework 2018 carries forward the main policy areas from the earlier Framework, as relevant to this appeal.

### **Main Issues**

5. The main issues in this appeal are:

- a) Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
- b) Its effect on the openness of the Green Belt and on the scenic and landscape beauty of the Chilterns Area of Outstanding Natural Beauty;
- c) Other considerations;
- d) Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

### **Reasons**

#### ***Issue a) Whether inappropriate development***

6. The appeal property is a detached dwelling, which has previously been extended on the corner of Wycombe Road with Perks Lane. The house together with its main garden, parking area and existing garage are approached from the access off Perks Lane. It lies within the Green Belt and within the Chilterns Area of Outstanding Natural Beauty (AONB).
7. The Framework 2018 sets out the government's planning policies to secure sustainable development. Paragraph 133 sets out the great importance that the Government attaches to Green Belts and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 confirms that *inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*. Paragraph 145 sets out that the construction of new buildings is inappropriate except for a limited number of exceptions including the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building. The Framework does not define further the term 'disproportionate' but does define 'original building' as a building as it existed on 1 July 1948, or if constructed after 1 July 1948, as it was built originally.
8. The Council has referenced a number of policies relating to the Green Belt in its decision notice. Policy GB2 of the adopted Chiltern District Local Plan 1997 with alterations adopted in 2001 and consolidated in September 2007 and November 2011 (Local Plan) sets out the categories of development that may not fall to be considered as inappropriate development. Although the policy significantly predates the Framework 2018, for the particular purposes of this appeal, category c referring to the limited extension, alteration and replacement of existing dwellings in accordance with other stated policies (including GB13 and GB15) provides a similar exception to the relevant part of the Framework 2018.

In respect of residential extensions, Policy GB13 states that extensions to dwellings in the Green Belt will be permitted provided they are subordinate to the size and scale of the original dwelling; are not intrusive in the landscape and comply with other stated policies in the Plan. 'Original' has the same definition as set out in the Framework. The Council's refusal notice also refers to The Residential Extensions and Householder Development Supplementary Planning Document 2013, although it is not clear what additional guidance this contributes in this particular case.

9. The Council has indicated that the proposal 'would more than double the size of the original dwelling' but has given no further information to substantiate this statement, except for referring to a permission granted and implemented in the late 1980s for a first floor rear extension. The Appellant has provided further and more detailed information which indicates that the original dwelling has been extended in 1987 and that together with the proposal the cumulative increase would be a 44.4% increase in floor area, compared with the position at 1948. On the basis of the limited information before me, I have no reason to take a different view.
10. The Appellant has suggested that the rule of thumb locally and nationally is 50% increases being acceptable; however, this is not part of either national or local policy. It is my view that in addition to arithmetic calculations it is necessary to look at the proposals in terms of their relationship to the original dwelling with particular reference to bulk, scale and massing. In this respect, the scale of the two storey side and rear addition would be a very bulky extension; the width of the gable end would be larger than the existing two storey rear gable and would be out of scale with the smaller proportions of the original dwelling. Although views from the front and side are limited, the massing of the proposed extension would appear as a substantial and bulky addition in relation to the proportions and form of the dwelling. Furthermore, there would be an awkward juxtaposition at roof level between the existing property and the new roof which would exacerbate the bulky form of the proposal. I do not therefore consider that the proposed extension would appear subordinate to the size and scale of the original dwelling.
11. Taking all these matters together, in terms of floor area as well as its resultant bulk and massing, I have no doubt that the proposed extension would be a disproportionate addition over and above the size of the original dwelling and so would be inappropriate development for the purposes of the Framework and Local Plan policy.
12. With regard to the replacement garage, I have not been provided with a copy of the policy itself, but I am advised that Policy GB15 of the Local Plan refers to the erection of ancillary outbuildings within the curtilage of a dwelling house and that these can be considered acceptable where the building is small in size and subordinate to the original dwelling. The proposed garage would replace the existing garage. Whilst it would be larger than existing, it would in my view remain a suitably located, small and subordinate structure to the original dwelling. It would also not materially harm the openness of the Green Belt.
13. For these reasons taken together, I am satisfied that the proposed replacement garage would not be inappropriate development for the purposes of the Framework and Local Plan policy. There is therefore no need for this part of the development to be justified by special circumstances.



### ***Issue b) Openness***

14. Inappropriate development is, by definition, harmful to the Green Belt, as set out within the Framework, and in accordance with that guidance, I therefore attach substantial weight to this harm which I have concluded in respect of the extension to the house. I have also considered whether there is any other harm.
15. The addition of further built development on the site in the form of the proposed extension to the dwelling, with the consequent increase in the bulk and massing of the property, would inevitably lead to some reduction in openness, which is the essential attribute of the Green Belt. This harm to openness would therefore add to the harm I have already concluded.
16. Although it would be a bulky addition to the existing building which would be seen in short views of the property, I do not consider that it would detract from the landscape and scenic beauty of the AONB, given its confined location, with other development surrounding.
17. Similarly given its small scale and siting I am also satisfied that the proposed garage would not result in any harm to the landscape and scenic beauty of the AONB. There would be no conflict in respect of either element of the overall proposal with Policy CS22 of the adopted Core Strategy for Chiltern District 2011 and Policy LSQ1 of the Local Plan as well as the Framework 2018, in terms of respecting the landscape beauty and distinctiveness of the AONB.

### ***Issue c) Other Considerations***

18. The Framework 2018 indicates at paragraph 144 that substantial weight should be attached to any harm to the Green Belt. Very special circumstances to justify such development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I now turn to the other considerations in support of the development which have been put forward.
19. The Appellant has drawn my attention to three other permissions in close vicinity of the appeal site, which have been granted permission for extensions to residential dwellings. Each proposal must be considered on its individual merits but I have, nonetheless, and notwithstanding the very limited information before me, taken these other developments into consideration. However, the Framework sets out a clear approach for considering development proposals in the Green Belt to ensure that the openness of the Green Belt is protected. The existence of other extensions permitted and undertaken does not therefore add weight in support of this specific proposal before me for an extension to the property on the basis of my findings.
20. I understand that the Appellant sought initial advice from the Council by way of the Council's telephone service. Whilst I have sympathy with the Appellant in this regard, it does not provide any weight in support of the proposal which I have considered on its planning merits.
21. I also have sympathy with the family related reasons for seeking the extension, but the harm I have concluded would endure long after these personal reasons have ceased to be material. Accordingly, only very limited weight can be afforded in favour of the proposal on this matter.



***Issue d) Balancing of Considerations and whether very special circumstances exist.***

22. I have already found that substantial weight must be given to the harm to the Green Belt by reason of the inappropriateness of the proposed extension to the dwelling. The harm from loss of openness adds to the harm by reason of inappropriateness. The totality of the harm I have concluded is not clearly outweighed by the other considerations. I do not find that the very special circumstances required to justify the proposed development of the extension to the dwelling exist.

**Conditions**

23. In respect of the proposed garage, I agree with the Council that in the interests of protecting the appearance and character of the local area, a condition should be imposed to require the materials to accord with those shown on the plan submitted. I have also added a condition to specify the approved plan for the avoidance of doubt and in the interests of proper planning.

**Conclusions**

24. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed in so far as it relates to the proposed garage but should fail in so far as it relates to the proposed extension to the dwelling.

*L J Evans*

INSPECTOR