

CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 22nd November 2018

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Chalfont St Peter

CH/2017/1039/FA

Ward: Gold Hill

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Proposal: Restoration and extensions/alterations to existing listed farmhouse and listed cartshed/granary to create an enlarged dwelling (Use Class C3); restoration and extensions/alterations to existing listed barn for use as function room (Use Class D2); change of use of existing listed stable and erection of buildings to replicate former fire-destroyed buildings and erection of extensions for use as a hospitality centre (Use Class D2); erection of 8 dwellings (comprising 4 two-storey, semi-detached pairs) with associated carports/garages (Use Class C3); erection of single storey church building (Use Class D1) and retention of existing barns (x3) for use as a community facility for assembly and leisure purposes (Use Class D2) in connection with the church; construction of internal access road; construction/creation of visitor coach/car parking areas and associated landscaping.

Recommendation: Refuse permission

Stampwell Farm, Oxford Road, Gerrards Cross, Buckinghamshire, HP9 2XD

Chalfont St Peter

CH/2017/1044/HB

Ward: Gold Hill

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Proposal: Restoration and extensions/alterations to existing listed farmhouse and listed cartshed/granary to create an enlarged dwelling (Use Class C3); restoration and extensions/alterations to existing listed barn for use as function room (Use Class D2); change of use of existing listed stable and erection of buildings to replicate former fire-destroyed buildings and erection of extensions for use as a hospitality centre (Use Class D2)

Recommendation: Conditional consent

Stampwell Farm, Oxford Road, Gerrards Cross, Buckinghamshire, HP9 2XD

Penn

CH/2018/0480/FA

Ward: Penn And Coleshill

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Proposal: Demolition of existing dwelling and erection of a detached building comprising 9 flats, with accommodation in the roof space, basement parking with vehicular access ramp, the erection of a bin store, and associated landscaping.

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

Decision delegated to Head of Planning & Economic Development

Newbury House, 2 Knottocks Drive, Knotty Green, Buckinghamshire, HP9 2AH

Little Chalfont

CH/2018/0582/FA

Ward: Little Chalfont

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Proposal: Change of use of ground and first floor to A3 Use Class Restaurant with associated alterations to shop front, installation of extract flue/ducting/housing (retrospective).

Recommendation: Conditional Permission

Little Istanbul, Nightingales Corner, Little Chalfont, Buckinghamshire, HP7 9PY

Coleshill

PL/18/3418/VRC

Ward: Penn And Coleshill

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Proposal: Variation of Condition 8 of planning permission PL/18/2622/VRC (Redevelopment of site to provide two detached dwellings with new vehicular access CH/2017/0246/FA)

Recommendation: Conditional Permission

Bowers Croft, Magpie Lane, Coleshill, Buckinghamshire, HP7 0LS

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 22nd November 2018

CH/2017/1039/FA

Case Officer: Sukhpreet Khull

Date Received: 01.06.2017

Decide by Date: 18.09.2017

Parish: Chalfont St Peter

Ward: Gold Hill

App Type: Full Application

Proposal: Restoration and extensions/alterations to existing listed farmhouse and listed cartshed/granary to create an enlarged dwelling (Use Class C3); restoration and extensions/alterations to existing listed barn for use as function room (Use Class D2); change of use of existing listed stable and erection of buildings to replicate former fire-destroyed buildings and erection of extensions for use as a hospitality centre (Use Class D2); erection of 8 dwellings (comprising 4 two-storey, semi-detached pairs) with associated carports/garages (Use Class C3); erection of single storey church building (Use Class D1) and retention of existing barns (x3) for use as a community facility for assembly and leisure purposes (Use Class D2) in connection with the church; construction of internal access road; construction/creation of visitor coach/car parking areas and associated landscaping.

Location: Stampwell Farm
Oxford Road
Gerrards Cross
Buckinghamshire
HP9 2XD

Applicant: Stampwell Farm Ltd

SITE CONSTRAINTS

Article 4 Direction

Area Special Adv. Control

Adjacent Listed Buildings

Adjacent Public Footpaths and Public ROW

Within Green Belt other than GB4 GB5

Listed Building

Mineral Consultation Area

Neighbourhood Plan

Public footpath/bridleway

On/within 250m rubbish tip

Tree Preservation Order (A/G/W)

Thames Groundwater Prot Zone GC9

COMMITTEE CALL IN

Councillor Wertheim has requested that this application is referred to the Planning Committee regardless of the Officers' recommendation.

SITE LOCATION

Stampwell Farm is situated to the North of the A40 between Gerrards Cross and Beaconsfield and is accessed via a track off Oxford Road. Stampwell Farm is approximately 27 hectares in size and designated as Green Belt. It also comprises arable land, orchards and woodland.

The site has a range of traditional and modern buildings including a Listed Grade II Farm house, barn to the North of the Farmhouse and the remnant stables link to the North-East, arranged in a C-shaped footprint. A second barn which was attached to the stables block was destroyed by fire in 2008.

A range of temporary modern structures are also located at the site, including a large hay barn and pig sties to the north and poultry sheds to the west; a single storey modern barns/ stores also to the west and associated with the church and educational resource centre; and the temporary large tent in which the applicant runs the church.

The farmyard and the built elements on the site extend 0.7 hectares. The site also comprises of two private un-associated residential cottages - Stampwell Cottages to the north, immediately visible on arrival at the end of the track.

The land rises gently from the recently constructed Stampwell Cottages up to the farmstead by approximately 3 metres in height (over 130 metres distance), and continues a gentle rise from the western edge of the farmstead to the northwest, and drops similarly to the south-eastern side toward the site's existing pond.

Stampwell Farm is split roughly in two by a footpath that runs north-south with the western half given primarily to woodland and the eastern half comprising the existing buildings noted above, which are contained by orchards on all sides and arable land further to the north, extending to the northern boundary railway line running west-east.

The southern boundary edges of the application site are formed by a bridleway running west-east. The central area of the site boundary contains the Stampwell Cottages, which were constructed recently to the west, and to the east is an empty plot (following fire-damage to a previous bungalow, Stampwell Farm Bungalow) with planning permission to construct a new bungalow, under reference CH/2014/1226/FA.

THE APPLICATION

The proposal is for the change of use of the land and buildings on site to D1 Leisure and D2 Worship uses, provision of 8 cottages as enabling development to allow the restoration of the Listed farmhouse and barn, redevelopment of the former courtyard, demolition of the modern agricultural buildings and provision of a new church.

The proposal's three elements are described below :

1. Farmstead:

- The Farmhouse, Barn and Cartshed/ Granary will be restored and converted, and together with a replacement linking structure, to provide a 5 bedroom Dwelling over two storeys (Use Class C3).
- The remaining elements of the listed Stable will be retained, restored and converted and together with replacement structures running broadly along the lines of the original footprint and profile of the northern

fire-destroyed structures will provide a Hospitality Centre comprising 4 Hospitality Suites, Refectory and Kitchen over two storeys (Use Class D2).

2. Enabling Residential Development:

- This will comprise four pairs of two storey 3 bedroom semi-detached cottages (Use Class C3), each of 97sq.m. 1046sq.ft. GIA, giving a total of 8 dwellings of 777sq.m. 8,370sq.ft. GIA.

3. New Church:

- The internal area (GIA) of the new church building is 348sq.m. and proposes to accommodate a seated congregation of 346 people in capacity terms.

In addition to these elements, the retention of the 3 existing barns is proposed as a community facility for assembly and leisure purposes (Use Class D2) in connection with the church; construction of internal access road; construction of visitor coach/car parking areas and associated landscaping.

The aims of the proposal summarised below and discussed in full further in the report:

The applicant seeks to obtain a permanent planning consent to repair, restore and convert the listed building courtyard to provide hospitality use which will support and or be ancillary to the proposed church (currently operating in a marquee on a temporary basis).

Educational and community facility use is proposed to aid the voluntary management of the land and is seen to allow for the future viability of the farm (agricultural use of the site). These proposals are considered essential ancillary uses of the site and proposed church since the farm is small and not sustainable as a 'standalone agricultural entity' (Para 3.1.1, Planning Statement, May 2017).

As such the church is considered necessary to help with the eventual longer term continuation of agricultural uses and sustainable survival of the landholding into the foreseeable future and listed building preservation. The church and community groups would volunteer on maintaining the land.

In order to enable the restoration of the listed buildings it is proposed that eight cottages are provided. The income generated from the sale of the cottages would contribute (partially) towards the restoration of the listed buildings. Various reports which accompany this application clearly demonstrate a conservation deficit on the site, which justify the case made for enabling development. However, the applicant has not adequately demonstrated that the end value figures are an accurate representation of current valuation or whether this is therefore the minimum level required.

The existing agricultural barns and piggeries are to be demolished as part of the proposal with a view to contain the proposal and to reduce the sprawl of development on the site.

The applicant proposes a church with height, volume and foot print to be smaller than those buildings which are to be demolished collectively. Irrespective of this, however, the church does not constitute as enabling development.

The applicant has indicated the church development would not contribute financially to the restoration of the Listed Buildings and it would be the last element of development to take place. Nevertheless, it is an element of the scheme which could have been incorporated into the restoration elements of the site or more appropriately, been the subject of a separate planning application.

The following documents have been submitted in support of the proposal:

Planning Statement incorporating Sequential Test; Building Method Statement; Business Plan; Sustainable Drainage Strategy; Preliminary Ecological Appraisal; Ecological Appraisal Supporting Letter; Bat Detector Survey; Breeding Bird Survey; Reptile Survey and Outline; Mitigation Strategy; A Landlord's note on restoration of Orchards at Stampwell Farm; Flood Risk Assessment; Holistic Report; Plans; Design and Access Statement; Budget Report; Response to Council's Assessment of Budget Report; Structural Appraisal; Transport Statement; Travel Plan; Scheme Viability Report; Risk Assessment; Attenuation Report; Sewerage Treatment Proposals and Rainwater Harvesting Proposals

RELEVANT PLANNING HISTORY

The site has been granted temporary permission (ref: CH/2014/0555/FA) for a change of use of the land and buildings from agricultural use to mixed use comprising a place of worship (D1) and associated use as a community facility for assembly and leisure purposes (D2) in connection with the use as a place of worship, together with the erection of play equipment. This permission was valid until 30 June 2017.

CH/2005/0313/FA - Alterations, part demolition, single storey extensions and conversion of barns to provide ancillary residential accommodation. Conditional permission. This was not implemented and lapsed.

CH/2005/0314/HB -Alterations, part demolition, single storey extensions and conversion of barns to provide ancillary residential accommodation. Conditional consent. This was not implemented and lapsed.

CH/2005/0315/FA - alterations, part demolition, single storey extensions and conversion of barns to provide ancillary residential accommodation and a second dwelling. Conditional permission. This permission not implemented and lapsed.

CH/2005/0316/HB - Alterations, part demolition, single storey extensions and conversion of barns to provide ancillary residential accommodation and a second dwelling. Conditional consent not implemented and lapsed.

CH/2013/2054/FA - Recladding of 3 barns with timber weather boarding and erection of a timber storage building (Retrospective). (These buildings are located to the north of the cluster of historic farm buildings and the current application proposal is to retain the buildings for D2 use, as shown on the applicant's proposed plans and outlined within the description of the proposal ".....retention of existing barns (x3) for use as a community facility for assembly and leisure purposes (Use Class D2) in connection with the church...."

CH/2014/0555/FA - Change of use of land and buildings from agriculture to a mixed use comprising a place of worship (D1) and associated use as a community facility for assembly and leisure purposes (D2) in connection with the use as a place of worship. Erection of play equipment. (Retrospective) - Temporary planning permission granted for a limited period which expired on 30 June 2017.

The temporary permission was granted to enable the Local Planning Authority to review the suitability of this use at this location in the light of experience gained during the period of this permission and to allow short term care of the Listed Building setting and the opportunity to explore the long term viability of the Listed Buildings.

PARISH COUNCIL

Chalfont St Peter Parish Council - object and submitted detailed responses produced by Troy Planning on its behalf. The conclusions from the representations made by Troy Planning are copied below and the full document is available to view on the Council's website.

The scale of development contained within the proposal represents a significant intensification above previously approved temporary uses. The appropriateness of this relatively isolated location must be assessed in terms of providing for a community facility, having regard to its contribution towards the social, economic and environmental domains of sustainable development within the local area. An increase in the scale and use of development has scope to cause a significant local impact upon openness as well as representing harm and conflict against several other development plan policies.

Careful attention must be paid to whether the enabling development represents the minimum amount necessary to ensure the restoration and conservation on heritage assets. It is not considered that this has been demonstrated in terms of potential revenue from the hospitality and education uses and whether other sources of funding are available for the church. The requirement for 8 new dwellings in this area has therefore not been adequately justified.

Further issues arise in identifying that the proposed church represents new development, not directly forming part of the proposed works or uses within the heritage assets themselves. In the view of the Parish Council, these arrangements increase the impact upon the Green Belt and may not represent the optimum viable use in terms of the long-term conservation of the assets (including impacts upon their setting) nor provide adequate control over future use.

For these reasons, which are set out in more detail in the representations themselves, the Parish Council considers that as set out the application proposals do not amount to presenting Very Special Circumstances outweighing the harm to the Green Belt and should therefore be refused.

The Parish Council also wrote to the Council more recently seeking current documentation in relation to the case, and was informed that the website is up to date, with all the recent material uploaded.

REPRESENTATIONS

Five letters of objection from third parties have been received. The main points are summarised as follows:

- Departure of Local Plan Policy;
- Detriment to the conservation area;
- Detriment to the listed buildings;
- Intrusion into the countryside;
- Rural land should not be built on;
- Traffic impacts, A40 junction turning into the site is dangerous and extra traffic would cause potential accidents;
- Destruction of beautiful views of unspoiled and rural views of the orchard;
- Wildlife/ecology and views disruption;
- Lack of privacy to the existing 2 householders;
- Sanctuary will become a communal area which is already so on weekends with 100 plus vehicles and loud music;
- Size of road is not suitable for the amount of visitors, causes the need to pull in so many times for oncoming traffic- would be a hindrance to emergency vehicles;
- Trees would be destroyed;
- Inappropriate development in the Green Belt due to the creation of new dwellings;
- Harm to the openness of the Green Belt;
- Financially questionable justifications for current plans;
- Access issues leading to road safety concerns from substantial increase in vehicle movements generated by an additional 8 properties and the community nature of the church and banqueting facilities proposed
- Increased noise and disturbance generated by an additional 8 properties vehicle movements, occupants, services personnel, and visitors.

80 letters of support have been submitted together with supporting comments and art from children using the farm. The main points in summary are:

- The creation of community facilities
- Educational benefit to local people
- Economic gains from those who undertake the construction and then for those who will pass by and be attracted to the area and to set up business (catalyst effect)- economic benefit of new jobs in the local area
- Attract visitors
- Farming - would support local community with local produce
- Enhanced public access to the countryside and nearby to listed buildings
- Restoration of important heritage assets
- Improvement to the ecology- "a disused orchard has been turned around into a thriving site"
- Flora and fauna rejuvenation
- Improvement to agricultural land
- Opportunities for local interaction and clubs- crèche, farming clubs for kids, youth groups, men's group, elderly sewing group,
- Provision of much needed housing

CONSULTATIONS

Historic Buildings Officer

Stampwell Farm has Grade II listed buildings that have suffered more than 15 years of neglect and are now in such poor condition as to be at a tipping point, with loss imminent if major repair works are not carried out on a near-immediate basis.

These applications propose a package that will provide means and incentive for the repair and future use of the listed buildings in a new context as part of a church community, entailing re-instatement of missing buildings, change of use of the site, and development to include a new church building, widening of the access road, and provision of car and coach parking. This contextual development is to be funded by the community, but eight new residential units are proposed as enabling development to fund the specialist repairs and works to the listed buildings.

The Council is obliged to have special regard to the desirability of preserving the listed buildings and their setting by Section 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This obligation has been considered by the courts to carry considerable weight.

Paragraph 132 of the NPPF states that "great weight" should be given to the conservation of a designated heritage asset. While this weight must be in proportion to the importance of the asset, substantial harm to or loss of a Grade II listed building should be exceptional.

My comments contend that the listed buildings retain very considerable significance despite their dilapidated condition, such that their Grade II status is not in question, and such that the buildings remain important. This importance is not of the very top Grade I or Grade II* order, but is equivalent to that of the middle order of the Grade II range. The above obligations and weights therefore remain relevant.

My comments describe the proposed works to the listed buildings as reasonably appropriate to their historic character, with potential for a strong balance of benefit in conserving and enhancing their significance, and in allowing for a use that will sustain them into the future.

I describe the development within the setting of the listed buildings as being more harmful to the significance. As the degree of harm has been greatly reduced compared with previous informal proposals, I consider the harm of the individual elements to be moderate in heritage terms, but that the total sum of harm

is slightly greater than moderate. This harm would be less than substantial in that it would not destroy the significance or prevent perception of the farm group as a discrete historic entity.

Paragraph 134 of the NPPF requires that less than substantial harm to the significance is weighed against the public benefits of the proposals, including securing the optimum viable use of the listed buildings. Planning Practice Guidance discusses the "optimum viable use" as being the use least harmful to the significance and recognises that if there is only one use, that use must be optimal.

In this case assessment of the balance of harm and benefit is muddled by two complications:

The applicant leaves it open to assume that his proposed use is the only (and therefore the optimum) use because of the lack of any other interest in the marketing campaign of 2012. No new marketing has taken place since, despite the introduction of enabling development that might well change the baseline and be attractive in the context of other uses.

The information submitted with regard to the enabling development does not specifically identify the conservation deficit. It shows how the houses could finance the repairs, but not whether the eight houses are all wholly necessary to cover the deficit.

It is therefore not possible to be absolutely certain that the whole of the harm is necessary, and that it has been minimised.

In my opinion there is also need for some consideration of the harm that could very well arise from further delay or refusal. It has taken years to get to this stage. Since 2005 no-one but the applicant has pursued proposals that would achieve the benefit for the listed buildings. The enabling figures could and should be clarified, but further marketing would take time, during which the listed buildings may well be lost. Loss of the buildings would mean loss of the significance, and harm that is substantial. The weight of the substantial harm of losing the buildings would be greater than that of the "less than substantial harm" to their setting.

In these circumstances, given the less than substantial heritage harm, I suggest that the heritage benefits outweigh the heritage harm, and would urge approval as long as conditions and obligations secured the benefits. As the benefit relates to a last-chance opportunity to preserve the listed buildings, I suggest that this should carry considerable weight.

I recognise, however, that heritage harm is not the only harm and that the balance may appear more negative in relation to other planning matters. In this case it may be more important to pursue whether the whole of the harm is necessary and justified. In this case, however, I strongly urge the Council to consider what exactly is needed and limit requirement to what may be achieved in speedy manner. It will also need to consider measures that might serve to prolong the existence of the listed buildings in the meantime."

Full comments on the listed building aspects

The applications :

The applications propose a change of use for the site and its listed buildings, and enabling development as a means of funding their rescue from near-dereliction. In essence the supporting arguments are that: the listed buildings are in dire need; the applicant has been the only party to see any future for them; the applicant's interest in this site stems from his vision for a church community inspired by monastic precedent, with close links to the natural farmland (see his Holistic Report); the community can make good use of the listed buildings, but a church, associated facilities and parking will be essential to achieving the vision and maintaining the applicant's interest in the site; the costs of the church and associated new build/development will be funded by the community, but the high costs of bringing the listed buildings back into use will need to be subsidised by enabling development of eight new dwellings.

Prime heritage considerations will include :

The Council's obligation under Sections 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving the listed buildings and their setting.

The considerable weight that this obligation has carried in legal case history;

The similar desirability set out in paragraph 131 of the NPPF of "sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation".

The principle of paragraph 132 of the NPPF that great weight should be given to the conservation of a designated asset - while the weight should be in proportion to the importance of the asset, substantial harm or loss of a Grade II listed building should be exceptional.

The principles implied by paragraph 134 of the NPPF, in relation to the weighing of harm against the benefits of securing the optimum viable use of the building.

Planning Practice Guidance (Para 18a-015-20140306) that stresses the value of viable use as an incentive for active conservation, and that harmful development may sometimes be justified in the interests of realising optimum viable use as long as harm to the significance is minimised.

Historic England guidance on Enabling Development, as to whether the benefits of these enabling proposals would both secure the conservation of the listed buildings and outweigh the disbenefits of departing from other planning policies (paragraph 140 of the NPPF).

Which listed buildings at Stampwell Farm survive?

Historic buildings identified in the Grade II listing descriptions now comprise:

- Stampwell Farmhouse
- The barn to the north of the farmhouse
- One full bay and other remnants of a two-bay stable building, along with remains of a byre that formerly linked the stables to a second barn.
- The second barn, listed as being to the north-east of the farmhouse, was destroyed by fire in 2008, and further fire and wind damage has been responsible for the subsequent losses to the byre and stable.
- A lower building attached to the south-west end of the barn, last used as a cowshed, also survives. The list descriptions are silent about this building, but it is considered here that it forms part of the listed group by virtue of attachment and because of its function ancillary to the use of the house as a farmhouse.

The condition of the listed buildings

The desperate condition of the surviving listed buildings is evident and shocking. Some detail of the problems and repairs needed are described and illustrated in the submitted Visual Structural Appraisal (VSA), which suggests that the farmhouse in particular is now "at a tipping point". This reflects a long history of neglect that is worth understanding as part of the context for the current proposal and any possibilities for the future.

When I visited in 2003 (see my photos reproduced in Appendix 2 of the submitted Planning Statement), the farmstead showed signs of recent agricultural use and the buildings were maintained in basic order, but the farmhouse had evidently not been used for many years. It appeared to be without mainstream domestic services and had no heating other than open fireplaces. The top of the front wall was already cracking away from the left gable, and there was clear need for major repair and refurbishment.

The condition of the listed buildings and background history

To further this end the Council gave approval in 2004-5 for conversion of the barns, with options for their use either as ancillary accommodation to the farmhouse, or with the far ranges forming a second dwelling. Subsequent marketing and inactivity, however, suggested that the owner was holding the property as an

"investment opportunity". It languished. While we managed to secure urgent works to tarpaulin the increasingly leaking roof, and to board up the openings, the remote location made it impossible to keep the buildings secure. Tiles, windows and fireplaces disappeared gradually, and the north-east barn was reduced overnight to a few charred fragments.

When receivers made further applications in 2010, the loss of this barn made it impossible to extend the time limits of the earlier approvals. It became apparent in the following informal discussions of 2010-11 that the previous conversion schemes would not be attractive to purchasers, given both the need for greater works and the changed financial climate.

Possibilities for re-instating the missing barn and converting the remainder as part of a scheme for a larger number of small residential units were discussed, and the property was marketed with our informal conclusions and provisos potentially available for the agent to share with any purchaser. I was concerned that the number of enquiries I received as a result was extremely low.

The applicant purchased the site in 2012, and shared his vision of establishing a church community within and around the hub of the listed buildings. Since then we have been in regular discussion about the most urgent needs of the buildings, and he has carried out emergency works endeavouring to maintain stability, and improve ventilation and security. Some of these works, however, are ceasing to be effective. Most notably, the roof membrane for the farmhouse, reinstalled from above at some risk to life and limb, has again failed and there are major leaks.

The VSA identifies resultant wet rot in the timber roof structure and eaves plates. It would be too perilous to attempt a further similar replacement given the further decay. The only answer will be proper repair with replacement timbers where required, and full regard for scaffolding and safety, as now proposed. The VSA makes clear that this work is needed as a priority on an immediate basis, and that failure to address it will lead to structural failure. The rear chimney has already collapsed.

Works undertaken to the barn range in 2013 allowed for patching the roofs and cladding, and for propping the cowshed structure. Movement and high winds/snow potential, however, prompted removal of the cladding (with salvage of the tiles and boarding) in early 2016 to allow righting of the timber framework. This is now propped, strapped and more stable, but is clad only with battened membrane over the roofs. The wall framing is exposed. Without further work the benefits will be lost and the framing will be short-lived.

The stable building is propped and the exposed central partition structures protected with battened membrane, but these measures will only be of temporary benefit. The roofless remnants of the damaged half, and of the link byre, are fragile.

It should be evident that the time for temporary holding works, such as might be taken on an urgent works basis, is over, and that a scheme that incentivises full, prompt and appropriate repair and refurbishment will be essential if the buildings are to have any future. They will very soon be in extremis if no action is taken.

How does the condition affect the significance of the listed buildings?

These comments assess the significance of the listed buildings as required by paragraph 129 of the NPPF in order to inform determination. In this instance the assessment must take account of their reduced circumstances of the buildings. I have also commented on the scope for appropriate repair as this would affect the potential significance. It should be recognised that some repairs would be equivalent to standard maintenance inevitable for any historic building, but that more drastic works may merely simulate rather than restore historic character. Inappropriate repair will detract from the significance. The significance of the buildings will lie in the degree to which the architectural interest of their distinctive historic appearance and

construction survives, and in the historic interest of their capacity to illustrate past rural life and farming practice, as follows:

The farmhouse retains prime 17th century features, including its distinctive plan form with front doorway, lobby and chimney in line, and its timber-framed construction. The framing of the earliest front range is visible internally, where it currently retains original daub panels, while the mid-later 17th century framing and brick panels of the rear wings are exposed to the approach from the south-west. Blocked timber mullion windows and low ceiling beams are visible inside. Given the extent of the damage the VSA estimates that about 35-40 per cent of the framing is compromised and will need to be replaced, the majority at eaves-plate and roof structure level. Traditional replacement carpentry could preserve the historic style, but it would take time to acquire the patina of age. The brick frontage provided c.1800 to smarten the farmhouse, is in better condition, and would only require lesser work such as tying-in, patching at the top-left corner and re-pointing. It will, however, need a replacement matching door, replacement window frames and new window casements. The current lack of roof cladding could readily be made good with new clay roof tiles of appropriate colour and texture, as standard historic building repair. Such works would do much to restore the former attractive external appearance and character of the building, but would require full prior repair of the roof structure.

The simple traditional interior of the farmhouse survived until the last decade with little alteration, and was of some particular interest for the consistency of its lime plaster wall and ceiling finishes. Many of these are now fallen or de-bonding, with the need for replacement estimated in the VSA at about 80 percent. New lime plaster finishes could do much to restore the visual historic character and breathability of the structure. There are still some traditional brick floors, a wide flat kitchen sink and water pump, traces of a closed-over well, matchboard dado panelling, and some of the c.1800 splat balusters for the staircase. The main central fireplace at the heart of the house survives with its 19th century modifications, but the c.1900 grates fitted to the parlour and bedroom fireplaces have all gone missing. The losses have not affected understanding of the spatial areas of the house, with original hall and parlour flanking the off-centre chimneystack, food preparation and storage areas (including a sunken cellar) to the rear and at the end nearest the former cowshed, and bedrooms at first-floor level.

The barn to the north retains its 18th century timber frame and brick plinth, and its 18th century layout of four bays with opposing cart doors and gabled porch, thereby allowing historically for a through cart way for loading and a through draught for threshing, as well as grain storage. Of the cladding materials currently missing, the old clay tiles are in storage ready for replacement, and traditional weatherboards would restore the historic appearance.

The former cowshed attached to the barn also retains late 18th-early 19th century timber framing, now better revealed by the removal of concrete cattle stalls. Its external appearance could readily be restored as above. The building is distinctive in retaining a loft with rear loading dormer, and posts along the original elevation to the yard show that it was once open-fronted. The routine 20th century brick walling built in front of this elevation is not of special significance and detracts from the historic character.

The stable retains one full bay of 19th century vernacular structure, with brick lower walls, timber framing above, and old tile roof. Feeding troughs with drops from the loft give evidence as to how the stables were used. The link byre is much more fragmentary but evident in plan. In my opinion its previous value lay more in its role as a very simple link structure than in the detail of its construction.

The horseshoe layout of the buildings was very important to the significance and individual setting of the buildings as parts of a historic farmstead. It demonstrated the very close historic relationship between the farmhouse and its farm buildings, and the grouping of the farmstead around the historic farmyard. The close relationship between the farmhouse and north barn range survives, but the loss of the barn to the north-east,

along with part of the link range, has left the stable in comparative isolation and left the farmyard without proper sense of enclosure. Replacement of the missing buildings in sympathetic manner would be of benefit in restoring that sense of enclosure.

The setting of the buildings in rural countryside, with old orchards and agricultural fields around, remote from the road and distant even from the nearby pair of houses, is also of high importance to their significance and understanding of their historic purpose. This setting is perceived by visiting the site, and in views of it from the public rights of way passing to the south and west.

The skeleton of the former storage barn to the north east of the farmstead does not add aesthetically to its setting but is consistent with its historic farming purpose. The utilitarian 20th century agricultural store buildings to the north-west, now clad in timber, are also neutral. The caravans, whether timber-clad or not, and the very large white and yellow-striped marquee that currently serves as a church, are alien and intrusive to the significance.

How important is this significance?

While diminished, the surviving structures undoubtedly retain heritage significance because of their construction, plan form, historic features, grouping and setting, albeit the former attractiveness of their appearance is compromised. In my opinion the farmhouse and barn continue to meet criteria for listing and I cannot foresee that Historic England would wish to review the Grade II status in the light of the decay and loss. Even the stable remnant would still have some value as part of the group. I therefore do not see any reason for waiving the statutory obligation regarding the desirability of preservation.

The current significance is undoubtedly less than that of Grade I or II* listed buildings, and is not as great as that of better preserved, more complete or more exceptional Grade II buildings. However, it is as important as for the many buildings in the middle order of the Grade II range. Even in their raw state the Stampwell buildings show greater historic character and more immediate evidence of the past than many a timber-framed cottage or converted farmstead "done-up" in the 1980s, even though they do not appear as "pretty". I therefore do not see any reason for according low weight in any planning decision.

Refurbishment could not fully restore the significance exhibited by the buildings in 2003, but if appropriately carried out it could go a long way to preserving them and complimenting/enhancing the surviving historic character such that the significance was more readily understood and attractive.

The significance would reduce and become less important, however, in the case of inappropriate works.

Will works to make the listed buildings fit for use truly enhance or restore their significance and provide meaningful public benefit?

The proposals to alter the listed buildings (i.e. those requiring Consent) include: works to adapt the farmhouse for continuing residential use, mainly as bedrooms; replacement and enlargement of the previous link to the cowshed to provide a single-storey kitchen/breakfast room; conversion of the cowshed to a family room with room aloft room above; refurbishment of the main barn as a living/dining/function room for the community; a glazed passage extension to link the farmhouse to the converted barn and a rebuilt NE range beyond; and re-instatement of the missing parts of the byre and stable to provide three new residential suites, with small ensuite bathrooms instead of the former shacks to the rear of the byre.

The proposals would be harmful in that:

A new doorway into the bathroom for bedroom 1 in the farmhouse would result in loss off a small blocked 17th century window with timber frame and mullion, currently semi-concealed in the walling. The flat sink and water pump would be lost, as would the remnants of brick floor.

The 19th century brick wall between the farmhouse and cowshed would be lost, to be replaced by a slightly recessed new wall on new foundations;

There would need to be new openings in the central partition wall of the stable, albeit amended drawings have greatly reduced the need to cut historic timbers. The new rooms inside the stable would be small, and it is not proposed to retain the feeding troughs.

These harms are in my opinion minor harms given the scale of the works, and could be mitigated by recording of the window with possible preservation of it on site as a feature.

In terms of benefit, the proposals for the listed buildings call for minimal alteration of the existing layout of the farmhouse, and look to preserve the large historic spaces of the cowshed and barn. External elevations would be restored to make good or match their historic appearance, albeit with glazing inserted into the existing openings and doorways of the farm buildings. The number of new windows needed is relatively small, and they have been designed either to match existing openings or to appear agricultural in character, set around existing wall studs. In providing incentive for repair and future use and maintenance of the buildings, the benefit would be enormous as long as the works are carried out sensitively and appropriately.

Provision for this is set out in the application in: the notes and materials included on the submitted drawings; the works scheduled in the Preliminary Budget Estimate by Selway Joyce; and in the two Method Statements prepared by Wintle Property Services and Dylan Hartley. The specification is a little spread across these documents, and would need to be tied together by means of a condition, but gives the impression of a strong conservation approach, aiming to minimise unnecessary loss, match existing materials, use lime mortars and plasters, and provide for carpentry repairs in new oak timber with traditional joints of matching size and type. It is, however, recognised that the timber repairs will depend on further investigation and that this is not yet possible given the poor condition. Mention is made of further approval by the conservation officer, and I would strongly recommend conditions requiring further approval for the materials and mortars, and for repair details that depart from the approach suggested or are more extensive than currently noted. It may be perfectly reasonable to adopt alternative methods in the interest of greater conservation of the existing fabric, but there will be need for expert opinion on the acceptability. I also have some reservations about the specifications for a concrete, as opposed to a lime-crete floor slab, but do not think that it would be reasonable to require retention of the remnants of brick floor given the very poor condition.

With these provisos I am in no doubt that the impact on the significance would be positive, and that the heritage benefits of the works to the listed buildings would outweigh the small degree of harm in arising from these particular works.

The impact of the proposals on the setting of the listed buildings

The effect of the proposal to reinstate a building in place of the missing barn will in my opinion also be positive to and enhance the significance. The proposed building takes the footprint and proportions of the former building and will differ visually only in terms of a tiled rather than a slate roof, a small number of roof lights, a gabled rather than a hipped "cart entry" feature, and residential use. The larger domestic glazing is tactfully recessed behind the posts and overhanging roofs that replicate the former catslide animal shelters to the south west of the barn. This building will acknowledge the former agricultural character and, along with reinstatement of the byre, will re-enclose the farmyard in reasonably tactful manner. This will be of overall benefit to the significance of the listed buildings in terms of their relationships and grouping as parts of a historic farmstead.

The proposed church building will be a very large new element that will be readily seen in association with the historic farm group, from the approach track and from the public footpath to the west. As a building alien to

the historic function of the farmstead, and surprising within the rural agricultural setting, the building must give rise to some harm to the significance and heritage value of the listed buildings. The degree of harm is, however, mitigated by the simplicity of the building and its attempt to echo the agricultural style, with single large roof and timber cladding. The scale will not be dissimilar to that of a modern barn or equestrian building, and will not eclipse the existing buildings in height or fussiness. Its mass helps to form part of a second courtyard arrangement associating with the more recent timber-clad modern buildings rather than directly with the historic group. These factors will not conceal the change to the context of the listed buildings, but will help to blunt the visual impact. In my opinion the harm would not destroy the significance and would therefore be less than substantial. In my opinion it would be moderate.

The knock-on requirement for enlarged access to the site and for large parking areas will also be of some harm to the rural setting of the historic farmstead. The parking to the rear will be relatively discreet and will replace informal hardstanding currently in place, but the parking in the green space to the south west will be more visible from the main approach and will contribute to a more institutionalised character. Parked coaches will appear particularly intrusive. The applicant points out that the existing orchard on the site will in any event need to be replanted, but the introduction of the parking will greatly exaggerate the loss. New planting and grass-crete surfacing will help over time to soften the everyday visual impact on the site, though not when the church is in full use and the site is most visited. As with the church building, with such mitigation in place the harm would not be substantial and could be moderate.

The eight houses proposed as enabling development will introduce a new settlement that will intrude on the comparative isolation of the historic farmstead and thereby detract from its significance. As a regular series of semi-detached houses with full two storeys, projecting gables and garages, the development will strike as almost suburban. The houses have , however been reduced in number compared with previous informal proposals, and are more tactfully grouped as far away from the historic farm group as space and access allow. They will associate most closely with existing replacement buildings of similar architectural character. It will remain possible to see the farm group as separate and more distinct from the new cul-de-sac, without substantial harm to their setting or complete loss of significance. In this sense I acknowledge that the harm is mitigated to some extent.

The church building, wider access, car parking and housing are therefore all of some harm individually. In sum, the combination of harm will be slightly greater. It would still in my opinion not eradicate the significance, and therefore could not be regarded as substantial.

Is the extent of harm to the setting and significance justified by the benefit to the use of the listed buildings?

As the harm is "less than substantial" it must be weighed as required by paragraph 134 of the NPPF against the public benefits, including that of securing the optimum viable use for the listed buildings.

Optimum viable use is defined in Planning Practice Guidance as the use "likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes". If there is only one viable use, that use is the optimum viable use. The Guidance continues: "Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused provided the harm is minimised."

The applicant's proposal is a package of new church community use and enabling development that is very much driven by the applicant's interest in the site as a church community. The submitted Scheme Viability Report does include a short section on options, but it refers only to the unlikelihood of commercial use. It does not re-visit the options previously investigated for residential housing units, and it is clear that the applicant is only truly interested in the site for his particular purpose, and that his new use alone cannot

provide for the works to the listed buildings. The enabling development is also necessary. His approach is therefore open to question: why is the church use necessary if the new houses are to provide the funding? In the light of the enabling development, should the property be re-marketed to see if there is new interest in a residential use alone, without need for the church and the parking?

There will also be questions as to whether so much enabling development is necessary, and whether the harm could be minimised by reducing the number of houses? I will defer to those with greater understanding of the financial situation than myself, but have the following comments on the enabling argument:

The costs of the listed building repair are based on the Preliminary Budget Estimate by Selway Joyce. This is a professional assessment that looks in some detail at the costs, but Historic England guidance warns that such assessment is not a precise art, and the Council has required the estimates to be professionally scrutinised by Sawyer and Fisher. The scrutiny notes some discrepancies with details on the amended plans, but I would regard these as minor. It also notes under-provision for some aspects of the repair, but notes that this may in part arise from conservation options as to exactly how the frame is to be mended, whether to re-tile ground floors or restore the matchboard dado panelling. While surety on these matters would be ideal, the application notes that it is not currently possible to determine the complete extent of replacement framing, or even the most appropriate method of repair, and that some leeway is needed. To my mind the issue of the floors and dado panelling is secondary, given that any replacement would be wholly new in any case. I also note that while some of the figures are reputedly under-called, some of the costs of the fitting out are perhaps exaggerated. I suspect that the estimates are not perfect, but that they do serve on balance as a rough guide to the likely order of costs, and do not overcall the potential expense.

The purchase price originally paid by the applicant is quoted at the low figure of £230,000 for the listed building complex and the housing site. While this does not reflect a nil or negative value that might be ascribed to the near derelict listed buildings, it does not strike as exaggeratedly inappropriate for the site.

The total cost of repairing the listed buildings is estimated on page 2 of the Preliminary Budget Estimate as amounting to just under £4 million, including preliminaries, contingency, professional fees and VAT. The Appraisal Summary in Appendix 2 of the Scheme Viability Report by Bidwells quotes a potential sales value for the listed building complex of £2 million, leaving a conservation deficit of £2 million to be covered by the enabling development (though it is not clear whether the sales value also covers the replacement barn, which is outside the scope of the enabling development).

The Appraisal Summary is set out in the manner advocated by Historic England guidance, and shows that the costs of the repairs and refurbishment, and of constructing and administering the enabling development would be met by the sales value of the listed buildings and the 8 new houses. The total revenue from the scheme would exceed the costs to allow for a modest developer's profit of about 8%. This is not unduly excessive, but necessary to provide incentive for development, and is low compared with usual expectations.

What is not wholly clear is how the applicant has arrived at the figure of eight houses as necessary to cover the costs. Would it have been possible to get away with less, thereby reducing the degree of harm?

These are valid questions. The applicant may well be able to throw more light on the last. As for the issue of use options and alternative marketing, it is clear that he does not regard these as relevant. He is presenting his proposals as the only (and therefore optimal) proposals to have arisen and been pursued since the site was marketed in 2012 and received no sign of other interest. They are the only set of proposals on the table for saving the listed buildings. They have taken years to formulate, cost and prepare, during which the listed buildings have inevitably declined further, despite his best efforts, and are now at a tipping point. However one arrives at this conclusion, I have to agree that the last point is true, and that the circumstances of the

listed buildings are acute. In these circumstances the proposals are not only the only option under current discussion. They may well also be the last option.

In this context it will be worth considering the degree of additional surety that further questioning and consideration might. While the questions may be perfectly valid questions, they branch into the unknown and require research and further information that will take time to pursue. This is time that the listed buildings do not have. If they collapse in the meantime, the loss of significance will be total and the degree of harm substantial. In heritage terms this would evidently outweigh the less than substantial harm to the setting.

This is not a comfortable equation. The condition of the listed buildings must, however, be a material consideration, as Planning Practice Guidance acknowledges, and the knock-on consequences of delay or refusal will need to be considered.

It is my opinion, after nearly 15 years of trying to find a solution for these buildings, that the application is not perfect, but that it does present a last chance for saving their significance, and that the benefits outweigh the harms in heritage terms. For heritage reasons I would urge approval as long as conditions and obligations secure the benefits to the significance, in terms of quality and timeliness of restoration.

The wider picture:

In wider planning terms I acknowledge that there are major costs. I cannot not venture into this wider balance other than to remind of the "considerable weight" to be given to the conservation of the significance of heritage assets, and the value of these particular buildings.

Any negative decision will need to have taken account of the likely loss of the buildings within the near future. If the Council wishes both to refuse the application and to avoid the loss, it will need to consider new means of stemming the decline of the buildings. In this context it will be difficult to arrive at effective urgent works, given that most options are now exhausted (though full covering of the barns would help). The survival of the house will depend on the possibilities of finding a new solution that speedily funds full repair. At best this would be achieved by working with the current owner. At worst it could require use of the Council's powers to issue a Repairs Notice, and follow through with compulsory purchase. Speed would need to be a prime consideration in any event.

The consultation responses which follow the Listed Buildings observations have been summarised and should members of the public wish to view consultee comments in full, they can refer to PublicAccess on the Council's website.

District Housing Officer

These comments reflect the earlier policy advice provided to the applicant at the pre-application stage since they remain valid.

Core Strategy Policy CS8 sets requirements for the level of on-site affordable housing provision and states that on sites which have 8 or 9 dwellings, at least two affordable housing units should be provided. Policy CS10 further states that it is the Council's strategy to seek a minimum of 70% affordable rented and a maximum of 30% shared ownership (or other intermediate housing option). Policy CS11 also states that where less than 10 affordable dwellings are proposed they should all be one and two bedroom dwellings.

Buckinghamshire County Council Highway Authority

Access Arrangements

As the A40 Oxford Road is subject to a speed restriction of 50mph in the vicinity of the site, visibility splays of 2.4m x 113m are applicable, commensurate with current Manual for Streets guidance. These splays are

achievable in both directions onto the A40 in this location. Traffic arriving from the direction of Gerrards Cross would require vehicles to turn across the lane of high-speed traffic in order to enter the site. In my previous comments, I had requested that the applicant investigate the viability of providing a right-hand turn lane on the A40, to ensure that the free-flow of vehicles would not be impeded as a result of the development and to reduce the risk of rear end shunts. Whilst this has not been shown or commented upon in the amended information submitted by the applicant, I have undertaken my own assessment of the situation, and can confirm that there is sufficient space within the publicly maintained highway in the vicinity of the site for this to be provided. If the Local Planning Authority are minded to grant planning consent for the development, I would expect the provision of this right-hand turn lane to be secured by way of a suitably worded condition.

In terms of the access width, I note from the submitted plans that the access would be widened to 4.8m for the initial 20m of the site, before the road would continue with a 3.3m width, with a 1.5m wide grass-crete section on the east side of the road, which would be over-runnable. This access road would continue for a distance of 180m, resulting in an overall access width of 4.8m for over 200m, which I can confirm is acceptable in this instance.

With regard to waste collection, I note that there is an existing arrangement with the dwellings along the access road to collect outside the property boundary. It is my understanding however, that this arrangement would not be continuing for the proposed new dwellings, and that roadside collection from Oxford Road is more likely in this instance. Correspondence from the Chiltern District Council Waste Management team indicates that for health and safety reasons collection teams would be likely to enter the site for a few metres given the nature of Oxford Road. Manual for Streets guidance states that residents should not be required to carry waste more than 30m to the storage point, and waste collection vehicles should be able to get to within 25m of the storage point. The proposed site plan does not accord with these requirements, and residents will therefore have to carry their waste bins in excess of this distance to enable roadside collection from Oxford Road. Whilst this is not ideal, as the access road will not be adopted by the Highway Authority, I am not in a position to justify this as a reason for refusal of the application. It would appear that an area clear of Oxford Road has been provided by the applicant in order to allow for refuse collection to take place, however no swept-path analysis of a 9.59m refuse vehicle have been provided in order to demonstrate that refuse vehicles are able to turn within this area and leave in a forward gear. If the Local Planning Authority are minded to grant planning permission, I would ask that a scheme for refuse vehicles to turn within the site is secured by way of a suitably worded condition.

Sustainability

Concerns were previously raised regarding the sustainability of the site, as it is located approximately 4km from the centres of Gerrards Cross and Beaconsfield in either direction, and does not link with the existing footway or cycleway network. From the proposed residential dwellings and church it is in excess of 800m to the nearest bus stop. As the recommended maximum walking distance to a public transport access point is a 400m/5 minute walk, the development site is therefore considered to be in a comparatively unsustainable location from a public transport accessibility perspective. Furthermore, there is no safe crossing point on Oxford Road to link the site with the bus stops on the opposing side of the road; however given the classification and speed of the road, it would not be safe to provide a pedestrian crossing point in this location in any event. Paragraph 35 of the NPPF states that "developments should be located... to... have access to high quality public transport facilities". A development which does not provide any pedestrian footway links, cycle links or access to public transport is therefore in direct contradiction to the aims of the NPPF.

Site Layout

Within my previous comments, I had also raised concerns over how the access road serving the church car park would be enforced as one-way system on Sundays and event days, and the available reversing distance

and vehicle parking for the garage plots for the residential dwellings. This information has not been forthcoming at present, however I am also satisfied that this could be dealt with by way of suitably worded conditions requiring the submission of a car parking management plan for the church and revised parking layout for the residential dwellings.

Conclusion

Mindful of the above, I must recommend this application for refusal.

Buckinghamshire County Council - Transportation for Buckinghamshire

Travel Plan Team

The Travel Plan Team notes that the site does not seem to lend itself towards sustainable travel due to the location of the existing bus stops and the sites rural nature, the inclusion of a minibus could make up for this. If the applicant was to include the promotion of car share the Team would approve the Travel Plan.

District Waste Team

The Waste Team have acknowledged the existing waste collection agreement which is a historic agreement predating the Serco contract for the existing bungalows within the site. However, they also advise that current policy is to require all new development to show provision for the storage and presentation of 180L/240L wheelie bins.

Buckinghamshire County Council Archaeology

The County Archaeological Service have consulted the Buckinghamshire Historic Environment Record (HER) and confirmed that the application site includes certain Grade II listed buildings, including Barns, Stables and the Farmhouse. They have provided information regarding the historic interest of Stampwell Farm, identifying the proposed development area as former Assarted enclosures and Orchards. 'Assart' refers to the enclosure and clearance of woodland to create private farmland. Typically, such clearance occurred from the medieval period through to the 18th century. Clearance of any remaining orchard could contribute to the rapid decline of this landscape type in the Chilterns. However it is also noted that the proposals include re-planting of orchard to maintain and restore this landuse. Aside from the landscape type identified, the development area appears to have low archaeological interest. Therefore the proposed development is unlikely to have significant archaeological implications, and as such no conditions relating to archaeology are recommended.

District Tree Officer

The Tree Officer acknowledges the presence of TPO woodland and ancient semi-natural woodland within the vicinity of the application site, and also notes the presence of historic orchards within the application site. The Officer provides detailed comments on the application impacts and also on the proposed planting plan, noting inconsistencies in these and concluding that the proposals are not clear and may involve excessing and unnecessary loss of existing traditional orchard trees in order to replant new more productive trees. In addition, although the extent of tree loss is uncertain, precautions to avoid unnecessary tree damage and tree protection measures would need to be ensured during the construction phase.

County Ecological Advisor

The County Ecologist has emphasised that orchard is a priority habitat within Buckinghamshire and Milton Keynes, and has asked for its retention if possible. However she has also discussed with the applicant the offsetting of any loss of orchard through mitigation and enhancements elsewhere in order to improve overall habitat value and maintain wildlife connectivity. As a result she has requested that should planning permission be granted appropriate conditions are imposed including the submission of a management plan.

Buckinghamshire County Council - SuDS Approval Body

No objection subject to recommended conditions.

District Building Control - Fire Fighting Access

Building Control Team originally objected to the application as the plans did not provide for Fire Brigade access. However, they have now confirmed that the revised plans demonstrate that the road meets the minimum load requirements and a suitable condition could be imposed in this respect should planning permission be granted.

Buckinghamshire County Council Rights of Way/Strategic Access Officer (including disability access comments)

Public Footpath 30 (CSP/30/2) and Public Bridleway 34 (CSP/34/1) Chalfont St Peter Parish share private vehicular access to the farmstead and a number of residential properties.

While I am content the shared access drive is of sufficient width to accommodate shared use, allowing pedestrians room to step aside if confronted by vehicles, I have a number of concerns.

The access road drawing (No. 0663.1.3A) illustrates both gates and cattle grid. Neither structure would qualify to receive highway authority permission as no stock control is required. It is noted a small pedestrian gate is included on the west side, but this is not satisfactory as walking access across the full width is required. Cattle grids on public rights of way should be used exclusively for stock control and not as de facto drainage structures or to retain visual amenity. The application illustrates grass-crete which is not a material the highway authority maintains, so should be replaced with 'tar-spray and chip'. This surface should be of a bitumen construction sufficient to withstand vehicular traffic.

Grass-crete is not an acceptable surface for use on a bridleway (or other route likely to be used by horses). Where it has been used in the past on public footpaths there is very limited durability, lasting only 5 years in the case of the Thames Path. Therefore it should not be used on a Public Right of Way for health and safety reasons, and because the County Council does not maintain this surface. Grass-crete would be less even than tarmac for pushchair and wheel chair users and therefore flawed in terms of disability access/provision.

District Building Control - Disabled Access

This matter is addressed above in the Access Officer's comments.

District Environmental Health Officer - Noise

Has raised no objection with the application.

The Chiltern Society

Object to the proposal on the basis that it is contrary to the Development Plan/intrusion into countryside.

Other consultations

Having reviewed that application documents and local view constraints map, the proximity of Ancient Woodland became apparent and as such Officers extended the consultation to the following non- statutory but relevant organisations to comprehensively address biodiversity, ecology and tree preservation:

- The Forestry Commission on the development proposal as it is near ancient woodland or/and veteran trees;
- The Woodland Trust;
- Common Ground and
- The Peoples' Trust for Endangered Species.

The following representations were received:

The Forestry Commission

Made a representation in which it states that Ancient Woodland is an irreplaceable habitat. It refers to NPPF paragraph 118 which states: "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss". The response also indicated that The Forestry Commission has prepared joint standing advice with Natural England on ancient woodland and veteran trees which it refers the Council to in determining this application and in assessing potential impacts.

People's Trust for Endangered Species

Whilst the response received indicates that this proposal is positively conceived as the new dwellings are modest in size and character and because the proposal makes a change to the usual wholesale destruction of sites, which it objects to, some issues are raised in relation to a tree distribution range to make the proposal acceptable. This is addressed by the Council's Tree Officer in greater depth.

POLICIES

Core Strategy for Chiltern District - Adopted November 2011: Policies CS1, CS4, CS19, CS25, CS26.

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GC4, GC10, GB2, GB30, LB1, LB2, LB3, LB4, TR11 and TR16.

OTHER LEGISLATION AND GUIDANCE

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

National Planning Policy Guidance (NPPG).

Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16, 66 and 72 require the LPA to have regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

Historic England guidance documents and advice notes (and more specifically those listed below).

Historic England Guidance; Managing Significance in Decision-Taking in the Historic Environment - 2015, and Making Changes to Heritage Assets- 2016.

English Heritage, 'Enabling Development and the Conservation of Significant Places' 2008, (Revised 2012).

EVALUATION

1. As stated above in the relevant 'planning history' section of the report, planning permission has previously been granted for the temporary permission (ref: CH/2014/0555/FA) for a change of use of the land and buildings from agricultural use to mixed use comprising a place of worship (D1) and associated use as a community facility for assembly and leisure purposes (D2) in connection with the use as a place of worship, together with the erection of play equipment. This permission lapsed on 30 June 2017. Whilst the current application is an attempt to formalise the temporary operations at the site along with additional development.

Principle of development

2. The site is within the open Green Belt. Policy CS1 of the Core Strategy aims to protect the Green Belt by focusing development on land within the built-up areas of existing settlements. The presumption in favour of sustainable development is not applied in the Green Belt unless the development proposed is appropriate to the Green Belt. The categories of such development are set out in detail in policy GB2 which has been

updated by the National Planning Policy Framework. Any other development is considered to be inappropriate development which is by definition harmful to the Green Belt.

3. It is noted that Chiltern District Council together with South Bucks District Council has commenced work on a new joint local plan which will establish development needs over the periods 2014 to 2036. The Councils commissioned jointly with the other Buckinghamshire authorities a county wide Green Belt assessment. Little weight can be given to the emerging Local Plan at this stage. As such, the proposal needs to be assessed against current planning policies. Notwithstanding this, the first phase, assessed the Green Belt as a whole against the 'five purposes' of including land in the Green Belt. The five purposes that the Green Belt serves are set out in NPPF paragraph 134 as being:

- a) To check the unrestricted sprawl of large built-up areas;
- b) To prevent neighbouring towns merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4. The phase one assessment recommended areas of the Green Belt which were lower performing against the five Green Belt purposes for further assessment in phase two. The Stampwell farm area was included in such an area the consultants concluded that the parcel maintains a strong, unspoilt rural character. As a result this parcel of Green Belt was not recommended by the consultants for further study in part two.

5. Taking the above into account the site is within the Green Belt and currently makes an important contribution towards its purposes. It is therefore necessary assess the proposal with regard to current national and local plan policies.

6. The National Planning Policy Framework (NPPF) advises at paragraph 133 that the Government attaches great importance to Green Belts. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local Plan Policy GB2 and The NPPF, in paragraph 145 (g) indicate that the construction of new buildings should be regarded as inappropriate development in the Green Belt subject to a number of exceptions including the redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt than the existing development.

7. The proposal would include some development on the previously developed part of the site, including the repair, restoration and conversion of the listed building courtyard to provide hospitality use to support the proposed church and extensions to the barns and stables with the aim of restoring the farmstead arrangement at the site. This would involve the construction of elements destroyed by arson. It is acknowledged that these elements would include the restoration of previously existing buildings. However, it is clear that they would introduce new built form when compared with what currently exists on site and would therefore have a greater impact on the openness of the Green Belt than existing.

8. In addition to the above, the application also includes the erection of substantial new buildings within this open Green Belt location comprising 8 new dwellings and a new church hall. These new buildings would not meet with any of the exceptions to inappropriate development set out in Local Plan Policy GB2 and paragraph 145 of the NPPF.

9. Taking the above into account the proposed development would constitute inappropriate development which is by definition, harmful to the Green Belt. This must be accorded substantial weight.

10. The applicant's planning agent has acknowledged that parts of the proposal would constitute inappropriate development. However, she has stated that if the Council was to assess the proposal as inappropriate development, this should only apply to the church and the new build elements of the Listed Building range (i.e. replacement of fire damaged/destroyed buildings). She also considers that this should not be applied to the enabling development aspect of the proposal (8 cottages).

11. The planning agent's points are noted. However, as has already been noted above, the development proposed, which includes the erection of substantial new buildings, would not meet with any of the exceptions to inappropriate development. As such, it is very clear that the proposal would constitute inappropriate development. The NPPF in Paragraph 143 sets out that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 144 states that 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.

12. Notwithstanding their points regarding whether the development constitutes inappropriate development, the applicant's agent has put forward evidence to suggest that the proposed 8 houses would constitute enabling development and is necessary to finance the works to the listed building. In this respect it is acknowledged that the NPPF states in Paragraph 202 that Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies. Having regard to this, it is accepted that, depending on the circumstances, such 'enabling development' can amount to very special circumstances. The applicant has also put forward a further case of very special circumstances relating to the need for the new church and the other development proposed. The applicant's overall case of VSC, including the matters relating to the potential of enabling development, are considered in detail towards the end of this report. However, it is first necessary to consider the scheme in terms of any other harm (in addition to that by reason of inappropriateness).

Impact on the openness of the Green Belt and its purposes

13. The existing site (excluding the unlawful temporary barns and tents) comprise the former farmhouse and agricultural buildings. These are set within a largely open countryside location and of a design and scale that reflects their former agricultural use.

14. The proposal would include a substantial amount of new development on parts of the site that are currently undeveloped. This includes four pairs of two storey semi-detached cottages with a total floor space of 777sq.m and a substantial new church building would have a floor space of 348sq.m. In addition to this the development would be served by a large car park area which would provide parking for approximately 100 vehicles. Further new development would also be introduced through the need to widen and upgrade the long access road to serve the development. The proposal would also introduce a significantly greater amount of activity to the site including vehicle movements the parking of vehicles.

15. Given the above the proposal would introduce a large amount of built form and activity onto undeveloped land resulting in a considerable loss of openness within this part of the Green Belt. Furthermore, the introduction of this development would conflict with one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment. This is contrary to Local Plan Policy GB2 and Section 13 of the NPPF.

Design/character & appearance

16. The site is in a fairly isolated rural location. It forms part of the Beaconsfield Mixed Use Terrace (Landscape Character Area 22.1 in the Buckinghamshire Landscape Character Assessment (LCA), prepared by

Bucks County Council). The LCA describes the landscape character as being a large scale, mixed use, elevated plateau with a mosaic of open farmland, undulating parkland and woodland, a low and highly dispersed settlement density comprising isolated farmsteads and intermittent properties, large scale open fields, generating long views, which contrast with areas of enclosure associated with woodland. Away from the transport corridors, a tranquil and calm landscape exists. From the description in the LCA, it is clear that this is a very rural, isolated and fairly tranquil location. Local Plan Policy GB30 applies to all land within the Green Belt which is not included within the Chilterns Area of Outstanding Natural Beauty, the Area of Attractive Landscape, Locally Important Landscape Areas and Parks and Gardens of Special Historic Interest. This policy states that development must be well integrated into its rural setting and so conserve the scenic beauty and amenity of the landscape in the locality of the development. As previously noted, the lawful buildings on the site are of a rural nature comprising a farmhouse and former agricultural buildings which are largely derelict. To the southwest of this is a pair of detached dwelling (1 and 2 Stampwell Cottages). Adjoining this is the site formally occupied by Stampwell Farm Bungalow. Overall, whilst the application site and its surroundings include derelict buildings, in the absence of the existing unlawful temporary buildings/uses, the site retains a very rural and open character, which is evidently an important part of the character of the surrounding LCA.

17. The proposed buildings would reflect the vernacular style of the locality and they have been sited in an attempt to reflect the pattern of development, including the existing dwellings at Stampwell Cottages. However, the introduction of such a substantial amount of development (including 8 dwellings, a new church, a large open car parking area for 100 cars, a widened access road and a notable increase in activity on the site), it would result in a significantly more urban appearance on the site than currently exists. Mindful of the important character of this LCA, highlighted above, the amount of new development would be to the detriment to the rural and open character of the area. Furthermore, as set out below, the proposal would also result in a significant loss of trees. The LCA highlights the importance of trees in this landscape, by stating that woodland blocks and smaller wooded areas are interspersed across the plateau, creating a contrast to the more open landscape which predominates. As such the loss of trees would fail to preserve this character. The LCA states that, in terms of the perceptual and experiential value of this landscape area, it is a large scale landscape, with open, extensive arable fields, extensive parkland and several large tracts of woodland. There is a varying sense of enclosure, with a significant contrast between the wooded parts, which convey a strong sense of enclosure and open, expansive fields, which allow for long vistas across the character area. The overall strategy and vision for this character area is to conserve and protect the mosaic of woodland, open farmland and parkland, and to maintain the remaining areas of tranquility. One of the landscape guidelines in the LCA is to maintain the open views across the fields, and monitor the introduction of additional infrastructure and built form, which it states would adversely affect views within the landscape. Given the amount of new development proposed, including the row of new dwellings and church, together with the infrastructure proposed, including a large car parking area, access road and more activity on the site, the proposal would not respect the rural, open and tranquil character of the locality and is contrary to Local Plan Policies GC1 and GB30, and Core Strategy Policy CS20.

Trees and landscaping

18. As part of the development, new landscaping is proposed together with a replacement orchard. The District Tree Officer raises a number of issues with the landscaping proposals and tree retention plans as submitted. He states:

"The main area of tree loss on the site would be in the orchard area for the proposed semi-detached houses and car parking area. Although the application does not appear totally consistent, it seems likely that much of the apple orchard in this area would be lost along with a smaller area of older cherry trees.

There also appear to be inconsistencies in the landscaping and restoration proposals. The proposals on the Landscape Framework Plan generally appear to be reasonable but do not seem to totally agree with the planting

shown on the Planting Plan. Furthermore the more recent ideas for denser replacement planting with trained dwarf varieties of apple do not accord with the earlier proposals or with the principles of traditional orchard restoration.

Overall I am concerned that the proposals are not clear and may involve excessive and unnecessary loss of the existing traditional orchard trees in order to replant new more productive trees. In addition, although the extent of tree loss is uncertain, I would like to see precautions to avoid unnecessary tree damage during the construction phase through appropriate tree protection measures."

19. Taking the above into account the proposal would result in a substantial loss of trees and it is not considered that the landscaping scheme proposed would be sufficient to mitigate this. The loss of trees would add to the above concerns regarding the impact of the development on the character and appearance of this rural location.

Affordable housing

20. Policy CS8 of the Core Strategy sets out the affordable housing requirements for the District. It requires that schemes of 8 or 9 dwellings, two affordable units should be provided. If this cannot be achieved, then it would be for the applicant to demonstrate and justify this, providing a viability assessment setting out what they consider to be a more appropriate amount or justifying zero provision. The recently published NPPF states in para 63 that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (which include the AONB). For housing, major development is defined in the glossary as 10 or more homes, or the site has an area of 0.5 hectares or more. In this case the part of the site that would contain the dwellings and their gardens would not exceed 0.5 hectares. Furthermore, the houses are proposed as a means of financing the restoration of the listed buildings and given the Green Belt location it is not considered that the site could in this instance be considered to be capable of accommodating additional dwellings to exceed the NPPF thresholds. As such, no objections are raised to the lack of affordable housing in this instance.

Impact on Listed Buildings

21. The site has a range of traditional and modern buildings including a Listed Grade II Farm house, barn to the North of the Farmhouse and the remnant stables link to the North-East, arranged in a C-shaped footprint. A second barn which was attached to the stables block was destroyed by fire in 2008.

22. The Council's Historic Buildings Officer (HBO) has provided a comprehensive assessment of the impacts of the proposal on the heritage assets within the site. She considers that the reinstatement of the missing barn will be of overall benefit to the significance of the listed buildings in terms of their relationships and grouping as parts of a historic farmstead.

23. In respect of the eight houses, the HBO considers that these would introduce a new settlement that would intrude on the comparative isolation of the historic farmstead and thereby detract from its significance. As a regular series of semi-detached houses with full two storeys, projecting gables and garages, the development will strike as almost suburban in character and appearance. She notes, however that the buildings are more tactfully grouped as far away from the historic farm group as space and access allow and will associate most closely with existing replacement buildings of similar architectural character. She considers that it will remain possible to see the farm group as separate and more distinct from the new cul-de-sac, without substantial harm to their listed setting or complete loss of significance. As such, she acknowledges that the harm is mitigated to some extent.

24. In respect of the proposed church building she states that this will be a very large new element that will be readily seen in association with the historic farm group, from the approach track and from the public

footpath to the west. The building would be alien to the historic function of the farmstead, and surprising within the rural agricultural setting. The building would therefore give rise to some harm to the significance and heritage value of the listed buildings. However, she considers that the degree of harm is mitigated by the simplicity of the building and its attempt to echo the agricultural style, with single large roof and timber cladding. Its mass also helps to form part of a second courtyard arrangement associating with the more recent timber-clad modern buildings rather than directly with the historic group. She states that these factors will not conceal the change to the context of the listed buildings, but will help to blunt the visual impact. As such, she considers that the harm identified would not destroy the significance of the listed buildings and would therefore be less than substantial.

25. The HBO also notes that the infrastructure requirements for an enlarged access to the site and for large parking areas will be of some harm to the rural setting of the historic farmstead. The smaller areas of parking to the rear will be relatively discreet and will replace informal hardstanding currently in place, but the large new car park in the green space to the south west will be more visible from the main approach and will contribute to a more institutionalised character. Parked coaches will appear particularly intrusive. New planting and grass-crete surfacing will help over time to soften the everyday visual impact on the site, though not when the church is in full use and the site is most visited, with arrays of cars and parked vehicles visible in the landscape. As with the church building, with such mitigation in place the harm would not be substantial and could be moderate.

26. Overall, the HBO considers that the church building, wider access, car parking and housing are all of some harm individually. However, she states that this would not eradicate the significance, and therefore the harm could not be regarded as substantial.

27. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 also states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

28 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm, as is the case here, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this respect it is noted that the opinion of the HBO is that, "after nearly 15 years of trying to find a solution for these buildings, that the application is not perfect, but that it does present a last chance for saving their significance, and that the benefits outweigh the harms in heritage terms". As such for heritage reasons she urges the approval of the development provided conditions and obligations secure the benefits to the significance, in terms of quality and timeliness of restoration.

29. Whilst the above support of the HBO for the proposal is acknowledged, the application also needs to be balanced against any other harm resulting from the development. This is considered in more detail below, in terms of the applicant's case of Very Special Circumstances.

Residential amenity/amenity of neighbours

30. The existing occupiers of the Stampwell Cottages have raised objections to the scheme including its impact by reason of the visual impact of the buildings, increase in noise and disturbance and potential overlooking from the new cottages. However, a 10 metre wide buffer zone would be maintained between the gardens of the existing and proposed dwellings and there would be a distance of approximately 30 metres between the buildings. These distances would ensure that the development would not appear unduly prominent or over-overbearing when viewed from the neighbouring properties and would not allow for an

unacceptable level of overlooking. Furthermore, the proposed Church and hospitality uses and associated car parking are considered to be sited a sufficient distance from the neighbouring cottages to ensure that the proposal would not result in an unacceptable level of disturbance which would warrant an objection on amenity grounds. As such no objections are raised with regard to the impact on the amenities of neighbouring properties.

Parking/Highway implications

31. The comments of the County Highway Officer are set out in the Consultation Section of this report. He has not raised objections with regard to highway safety impacts subject to conditions to secure the provision of a right-hand turn lane on the A40 and necessary upgrades to the existing access. In terms of parking provision, around 150 car parking spaces are proposed, along with space for three coaches. This is adequate provision for the uses proposed, notwithstanding the visual harm and harm to the Green Belt and landscape character. However, the Highway Authority has raised an objection regarding the sustainability of the site for the types of uses proposed within this application. In this respect he considers that the location of the site is such that it has only limited access to non-car modes of travel. The absence of adequate infrastructure and the sites remoteness from major built up areas is such that it is likely to be reliant on the use of the private car contrary to local and national transport policy. As such the development is contrary to Local Plan Policy TR2, Core Strategy Policy CS4, the National Planning Policy Framework and the aims of Buckinghamshire LTP4.

Sustainability

32. Core Strategy Policy CS4 seeks to ensure that development is sustainable and sets out sustainable development principles for new development within Chiltern District. These principles refer to locations which are easily accessible by local transport, walking and cycling. They also encourage the use of renewable energy technology, water efficiency measures, the re-use of construction and demolition materials and the use of locally produced building materials. It also refers to the protection and enhancement of the historic and cultural heritage of the District. As already noted the application site is located in a relatively remote location, away from the main villages and settlements of the District, and is likely to result in a reliance on car journeys.

Ecology

33. There have been no objections raised with regard to ecology, subject to the inclusion of a condition, as proposed by the Council's Ecological Advisor. Following the ongoing consultation between the Applicant's agent (Bidwells) and the Ecologist, the issues which were initially raised in regards to the orchard (its retention, maintenance of the habitats and full connectivity value for wildlife) have been clarified and as such no objection is raised, with a condition attached.

Buckinghamshire County Council - Lead Local Flood Authority

34. Buckinghamshire County Council as the Lead Local Flood Authority has reviewed the information provided and has no objection to the proposed development subject to conditions.

The Applicant's proposal and case for very special circumstances:

35. As set out above, the proposal would constitute inappropriate development which is by definition harmful to the Green Belt. Further harm has also been identified with regard to the impact on the openness of the Green Belt and its purposes, the character and appearance of the area, the setting of the listed buildings and sustainability.

36. In support of the application, the Applicant has made reference to the proposed 8 houses as being 'enabling development' as a means of funding the rescue of the listed buildings from near-dereliction. In essence the supporting arguments are that: the listed buildings are in dire need; the applicant has been the only party to see any future for them; the applicant's interest in this site stems from his vision for a church community inspired by monastic precedent with close links to the natural farmland (set out in his Holistic

Report); the community can make good use of the listed buildings, but a church, associated facilities and parking will be essential to achieving the vision and maintaining the applicant's interest in the site; the costs of the church and associated new build/development will be funded by the community, but the high costs of bringing the listed buildings back into use will need to be subsidised by enabling development of eight new dwellings.

Very special circumstances in relation to the Church and community uses

37. The church would be provided in a new freestanding building while the uses secured through enabling development (hospitality, assembly and guest accommodation) are part of a self-sustaining argument regarding increased levels of demand from users of the site and opportunities for hospitality and education. These factors are presented as the justifications for meeting very special circumstances.

38. However these operations could be accommodated within town centre locations, particularly as the Applicant's Partner clearly expressed at the site visit that the farming of the land does not generate sufficient income to maintain the site. The preservation of the agricultural use of the site is therefore used as a means of supporting the proposed uses within the Green Belt, but the proposals do not rely on the need to farm the land.

39. Part of the justification for the proposals relies on a 'sequential test' undertaken by the Applicant, which identified a number of alternative site locations as far as Oxford, as potential sites to locate the Church. These alternative locations were explored prior to September 2012 (i.e. before the (expired) temporary uses at Stampwell Farm commenced). The sequential test demonstrates that the location was secured on the basis of the initial levels of demand for the site and a smaller congregation. Under these circumstances, the sequential test selected the site on the basis of uses that could be (predominantly) accommodated through the re-use of existing agricultural buildings on site rather than the extent of inappropriate development now required to accommodate the Church.

40. Under these circumstances the sequential test undertaken by the applicant carries reduced weight in demonstrating the appropriateness of the proposals. It is necessary to update the sequential test on the basis of an assessment of the current proposed uses and demand for the site. It is reasonable to expect that this would change the scoring under certain criteria (e.g. 'Land Designations' regarding inappropriate development in the Green Belt and 'Access' having regard to the larger congregation and limited opportunities for public transport). Regard should also be had to the mix of uses, and whether alternative sites could accommodate the current level of demand within existing buildings.

41. In addition to the above, the re-use of older buildings as community/commercial meeting spaces and the reuse of the existing modern barns would appear to leave the farm with no useable agricultural buildings which is contrary to the Applicant's aim of maintaining a working viable farm unit. The orchard alone and minimal farming at the site has been said to be a poor income generator by the Applicant's Partner during the site visit and, as such, the proposed uses (D1 and D2) could be located within more suitable non-Green Belt locations.

42. The application proposals are a material departure from the nature and scale of uses covered by the (expired) temporary permission covering the land. The Officer's Report for application CH/2014/0555/FA approved development largely on a premise representing the re-use of existing agricultural buildings, thereby comprising appropriate development in the Green Belt.

The recent changes to Permitted Development Rights seeking to provide more flexible uses for agricultural buildings were applied in this context, and likewise the temporary uses satisfied the requirements of Policy GB29 for existing buildings. It was noted, however, that in granting the temporary permission "it may transpire that the longer-term scheme may not be acceptable, or it may transpire that the enterprise dwindles". The

requirement for significant new development and introduction of hospitality and education uses represents a substantial increase in terms of scale and intensity of use not explored by the principles accepted under the earlier temporary permission.

43. As such, although the Planning Statement includes a site search for a suitable location for a new church building it is not clear, and or justified within the statement, why the church building has to be located on the Stampwell Farm site or indeed if the location of the church building has to be co-terminus with the farm complex to enable a viable farm unit to remain. It is also not clear from the submitted Planning Statement how many of the site users are indeed from the local community and consequently if there is a local need to justify the community elements of the scheme as an exception to the normal Green Belt restrictions.

44. The provision of a new Church is a central element of the Applicant's case and it is not considered that there is a proven need to secure a religious facility of any size in this specific location.

Very special circumstances in relation to the 8 houses - Enabling Development

45. The Applicant has sought to justify the proposed 8 dwellings as enabling development. Historic England (formally English Heritage) provides guidance as to the assessment of such 'enabling development' in their document, 'Enabling Development and the Conservation of Significant Places' 2008 (Revised 2012). This document sets out a number of criteria that should be met before a development can be considered to be enabling development and this is considered a reasonable approach to assessing the current proposal. The guidance states that enabling development that would secure the future of a significant place, but which contravenes other planning policy objectives, should be unacceptable unless:

- a) it will not materially harm the heritage values of the place or its setting
- b) it avoids detrimental fragmentation of management of the place
- c) it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose
- d) it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid
- e) sufficient subsidy is not available from any other source
- f) it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests
- g) the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.

46. This report will therefore look at each of the criteria in turn.

a) It will not materially harm the heritage values of the place or its setting

47. The comments of the HBO provide a detailed assessment of the impact of the proposal on the listed buildings. The HBO considers that the proposal would result in intrusion to the rural setting, and would detract from the original character of the farmhouse and former barns as parts of the historic farmstead. However, she also notes that efforts have been made to minimise this impact. As such, having regard to the HBO's comments, the proposal would result in some harm to the setting of the listed buildings, although this harm could be justified (in respect of this criteria) if the remaining criteria have also been met and if it is found that the proposed development is the minimum necessary to secure the future of the listed buildings.

b) It avoids detrimental fragmentation of management of the place

48. The HBO has not raised any specific concerns regarding the fragmentation of the site and it is considered that the proposal would not be contrary to this criteria.

c) The proposal will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose.

d) It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid

49. In order to consider compliance with criteria c) and d) it is first necessary to understand the needs of the building. In this respect, it is accepted that the listed buildings are in a poor state of repair. As such there is need for structural repair as well as ground works and general refurbishment to make the building thoroughly desirable use in the medium-long term.

50. Enabling development should not provide an easy way out for owners of listed buildings who might have acquired sites through poorly-judged transactions, such as overpaying for a property/land in the first place. Enabling development should be seen as a long-term solution of last resort, with proposals coming forward when other solutions have been tried but have failed, together with long-term viable options which are not of detriment to the protections afforded to the Green Belt. In order to establish the best possible use for a heritage asset, the English Heritage Guidance refers to the need for an option appraisal to establish the least damaging option. The Guidance also states that "the case for subsidy through enabling development normally depends upon the cost of repair and conversion to beneficial use being greater than market value on completion of those works. Market testing is normally the first step in establishing the need for subsidy..." As such, it would normally be necessary to first look at different options for a listed building to establish what would best secure its long term future and also potentially a period of marketing to test whether there is interest based on its current lawful use or appropriate alternative uses. In this case, the Applicant has not carried out any market testing, although it is accepted that prior to the Applicant purchasing the site, it had been vacant for a long period without interest for alternative uses. Therefore, the proposal has the potential to secure the long term future of the listed buildings provided that funding is secured through the enabling development.

51. As set out by the HBO, the Applicant's proposal is a package of new church community uses and enabling development that is very much driven by the Applicant's interest in the site as a church community. The proposal has not looked at alternative options such as the use of the listed buildings as residential housing units, and it is clear that the Applicant is only truly interested in the site for his particular purpose. The Applicant has not therefore undertaken a thorough appraisal of potential uses for the listed buildings or explored whether there are alternatives to the proposed development that could be carried out without the need for enabling development or with less harmful new development. As such, it is considered that the Applicant has not comprehensively demonstrated that all the development proposed is necessary to resolve problems arising from the inherent needs of the place.

52. The English Heritage Guidance sets out that in financial terms, the case for enabling development normally rests on there being a conservation deficit. This is when the existing value (often taken as zero) plus the development cost exceeds the value of the place after development.

53. As noted, it clear that there is a need for the building to be restored and in this respect the Applicant has provided details of the estimated costs associated with the restoration of the listed building repair, based on a Preliminary Budget Estimate by Selway Joyce. The Council has had these estimates professionally scrutinised by Sawyer and Fisher and this scrutiny notes some discrepancies with details on the amended plans and some under-provision for some aspects of the repair. Having regard to the conclusions by Selway Joyce, the HBO acknowledges that the costings are not perfect, but considers that they serve to provide a rough guide to the likely order of costs, and importantly she does not consider the costs to have overestimated the potential expense of carrying out the proposed works.

54. The purchase price originally paid by the applicant is quoted at the low figure of £230,000 for the listed building complex and the housing site. This does not reflect a nil or negative value that is normally considered appropriate for a near derelict site such as this.

55. The total cost of repairing the listed buildings is estimated as amounting to just under £4 million, including preliminaries, contingency, professional fees and VAT. The Appraisal Summary in Appendix 2 of the Scheme Viability Report by Bidwells quotes a potential sales value for the listed building complex of £2 million, leaving a conservation deficit of £2 million to be covered by the enabling development. However, it is not clear whether the sales value also covers the replacement barn, which the Applicant has indicated should be considered outside the scope of the enabling development.

56. Overall it is clear that the buildings are in need of repair and restoration and given the costs involved it is likely that some form of subsidy would be required. The proposed development has the potential to secure the long term future of the listed buildings. However, the Applicant has not looked at potential alternatives, other than that which is proposed within this application and it is clear that the proposal has been developed to meet the Applicant's interest in the site as a church community rather than to address the specific problems arising from the inherent needs of the listed buildings. As such, it is not considered that the Applicant has provided sufficient information to meet criteria d of the English Heritage Guidance.

e) Sufficient subsidy is not available from any other source

57. In respect of criterion e) the Applicant states that no other viable use would resolve the inherent decline of the listed buildings. As noted this has not been fully demonstrated by market testing, although it is accepted that prior to the Applicant purchasing the site, the site had gone for a long period without interest. The listed building is Grade II Listed and will therefore not attract any funding from Historic England. In addition, as a privately owned building, it is unlikely to attract funding from other public sources.

f) It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimised harm to other public interests

58. The Applicant has sought to concentrate on the proposal for 8 houses as the enabling development and it is this which is proposed to finance the restoration of the buildings. However, the long term future of the listed buildings is predicated upon the future use of the buildings as a Hospitality Centre and this is also related to the overall vision and is driven by the Applicant's interest in the site as a church community. The proposed long term solution for the listed building therefore has to be looked at as a whole, and the other aspects of the development, including the new church building, associated car parking and widened access road all need to be considered. All these elements would result in substantial harm to the Green Belt. The Applicant has not explored alternative proposals for a type of enabling development that could be brought forward for the whole site without the need for the church and hospitality facilities. For example, it may be possible to fund the restoration of the listed building and secure its future by bringing forward a purely residential scheme for the whole site, which would exclude the need for a large church building and hospitality centre with the associated car parking and access widening. The Applicant has not therefore undertaken a thorough appraisal of potential uses for the listed buildings or properly explored whether there are alternatives to the proposed development that could be carried out without the need for enabling development or with less harmful new development. As such, it is considered that the Applicant has not comprehensively demonstrated that all the development proposed is necessary to resolve problems arising from the inherent needs of the place.

59. Given the above, it is not considered that the proposed solution for securing the long term future of the listed buildings, including the 'enabling development' element and the church facilities, is the minimum

necessary to secure the future of the listed building, and that its form has minimised harm to other public interests.

60. Given the above, it is not considered that the proposed solution for securing the long term future of the listed buildings, including the 'enabling development' element and the church facilities, is the minimum necessary to secure the future of the listed building, and that its form has minimised harm to other public interests.

g) The public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other policies

61. The harm of the works to extend and convert the listed building must be weighed, as required by paragraph 134 of the NPPF, against the public benefits of restoring the listed building and returning it to a viable use that would be appropriate to the character of the building and likely to endure into the long term. In this respect, the Applicant has not demonstrated that all the tests normally required to demonstrate enabling development have been adequately met. Furthermore, the long term future of the listed building is dependent on securing the new church and hospitality elements. The Council's Historic Buildings Officer acknowledges that the application is not perfect, however she states that after nearly 15 years of trying to find a solution for these buildings, she considers that this does present a last chance for saving their significance, and that the benefits of the proposal outweigh the harms in heritage terms. For heritage reasons alone, she urges approval as long as conditions and obligations can secure the benefits to the significance, in terms of quality and timeliness of restoration.

62. Whilst the support of the HBO is acknowledged, it also necessary to consider whether the potential benefits to the listed building would outweigh the other harm identified. The harm resulting from this development is considerable, including harm by reason of inappropriate development in the Green Belt and substantial loss of openness and encroachment into the Green Belt. Further harm has also been identified with regard to the impact on the character and appearance of the area and sustainability. It is accepted that some sort of enabling development would be necessary to secure the restoration and long term future of the listed building, however, the overall scheme put forward is driven by the Applicant's personal interest in the site as a church community rather than finding a suitable use for the listed building and a type of enabling development that could be designed to minimise its overall impact. The Applicant's solution to secure the long term future of the listed building is to create a large scale community use in a location that is not sustainable and that would result in considerable harm to the Green Belt and the rural character of the area.

63. To conclude on the issue of enabling development and also the overall case of very special circumstances, it is regrettable that the listed buildings have been allowed to deteriorate and an appropriate solution has yet to be found. However, it is not considered that the benefits to the listed building and the other circumstances put forward by the Applicant are sufficient to outweigh the considerable harm to the Green Belt and other harm identified. The application is therefore recommended for refusal.

Working with the applicant

64. 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 was focused on seeking solutions to the issues arising from the development proposal. In this case, the Council has sought to work with the applicant through the pre-application process and during the course of the application. The Applicant's Agent was also informed that the Officers considered that the proposal did not accord with the Development Plan and was provided with an opportunity to comment before refusal was recommended.

65. 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 Within the Green Belt, most new development is considered to be inappropriate and there is a general presumption against such development. Development which is not inappropriate is set out in Local Plan Policy GB2 and the National Planning Policy Framework. The proposal would include a substantial amount of new development on parts of the site that are currently undeveloped. The proposed buildings and infrastructure constitute inappropriate development which, by definition, is harmful to the Green Belt. The proposal would result in a considerable loss of openness within this part of the Green Belt. Furthermore, the introduction of this development would conflict with one of the purposes of the Green Belt, which is to assist in safeguarding the countryside from encroachment. As such the proposed development fails to comply with national and local Green Belt policy. No very special circumstances exist that are sufficient to outweigh the harm caused to the Green Belt by the reason of inappropriateness and other harm identified. As such, the proposal is contrary to Policy GB2 of the Chiltern District Local Plan - 1997 (including alterations Adopted 29 May 2001) Consolidated September 2007 & November 2011, and Government guidance set out in the National Planning Policy Framework.

2 The site is in a fairly isolated rural location and forms part of the Beaconsfield Mixed Use Terrace (Landscape Character Area 22.1 in the Buckinghamshire Landscape Character Assessment (LCA). The landscape character is a large scale, mixed use, elevated plateau with a mosaic of open farmland, undulating parkland and woodland, a low and highly dispersed settlement pattern, open fields and with a largely tranquil and calm landscape. The overall strategy and vision for this character area is to conserve and protect the mosaic of woodland, open farmland and parkland, and to maintain the remaining areas of tranquility. The introduction of such a substantial amount of development (including 8 dwellings, a new church, a large open car parking area for more than 100 cars, a widened access road and a notable increase in activity on the site), would result in a significantly more urban appearance on the site than currently exists. Furthermore, the proposal would also result in a significant loss of trees. The amount of new development would therefore be to the detriment to the rural and open character of the area. As such the proposal fails to respect the rural, open and tranquil character of the locality and is contrary to Policy CS20 of the Adopted Core Strategy for Chiltern District (November 2011), and Policies GC1 and GB30 of the Chiltern District Local Plan - 1997 (including alterations Adopted 29 May 2001) Consolidated September 2007 & November 2011.

3 The proposed eight houses would introduce a new settlement that would intrude on the comparative isolation of the historic farmstead and thereby detract from its significance. As a regular series of semi-detached houses with full two storeys, projecting gables and garages, the development will appear suburban in character and appearance. The proposed church building would be a large new element that will be readily seen in association with the historic farm group, from the approach track and from the public footpath to the west. The building would be alien to the historic function of the farmstead, and would give rise to less than substantial harm to the significance and heritage value of the listed buildings. The infrastructure requirements for an enlarged access to the site and for large parking areas will also be of some harm to the rural setting of the historic listed farmstead. The NPPF states that where a development proposal will lead to less than substantial harm, as is the case here, this harm should be weighed against the public benefits of the proposal. Whilst it is acknowledged that securing a future for the listed buildings is a public benefit, in the absence of a legal agreement to secure the benefits to the listed buildings, the proposal fails to comply with Policies LB1 and LB2 of the Chiltern District Local Plan - 1997 (including alterations Adopted 29 May 2001) Consolidated September 2007 & November 2011 and Government guidance set out in the National Planning Policy Framework.

4 Policy CS4 of the Adopted Core Strategy District seeks to ensure that development is sustainable and sets out sustainable development principles for new development within Chiltern District. These principles refer to locations which are easily accessible by local transport, walking and cycling. The application site is in a remote location with an absence of adequate infrastructure, and this would inevitably result in an increase in reliance on the use of motor vehicles contrary to local and national transport policy. As such the proposal would constitute an unsustainable form of development and is contrary to Policy CS4 of the Adopted Core Strategy for Chiltern District (November 2011), Policy TR2 of the Chiltern District Local Plan - 1997 (including alterations Adopted 29 May 2001) Consolidated September 2007 & November 2011 and Government Guidance set out in the National Planning Policy Framework.

CH/2017/1044/HB

Case Officer: Sukhpreet Khull
Date Received: 01.06.2017 Decide by Date: 07.12.2017
Parish: Chalfont St Peter Ward: Gold Hill
App Type: Listed Building Consent
Proposal: Restoration and extensions/alterations to existing listed farmhouse and listed cartshed/granary to create an enlarged dwelling (Use Class C3); restoration and extensions/alterations to existing listed barn for use as function room (Use Class D2); change of use of existing listed stable and erection of buildings to replicate former fire-destroyed buildings and erection of extensions for use as a hospitality centre (Use Class D2)
Location: Stampwell Farm
Oxford Road
Gerrards Cross
Buckinghamshire
HP9 2XD
Applicant: C/o Agent

SITE CONSTRAINTS

Article 4 Direction
Area Special Adv. Control
Adjacent Listed Buildings
Adjacent Public Footpaths and Public ROW
Within Green Belt other than GB4 GB5
Listed Building
Mineral Consultation Area
Neighbourhood Plan
Public footpath/bridleway
On/within 250m rubbish tip
Tree Preservation Order (A/G/W)
Thames Groundwater Prot Zone GC9

CALL IN

Councillor Wertheim has requested the corresponding planning application, reference CH/2017/1039/FA, be referred to the Planning Committee regardless of the Officers' recommendation (this is on the same Planning Committee agenda).

This is the corresponding application for Listed Building Consent, for the works, and as such the application has also been brought to the Planning Committee.

RELEVANT PLANNING HISTORY

CH/2005/0313/FA - Alterations, part demolition, single storey extensions and conversion of barns to provide ancillary residential accommodation. Conditional permission. This was not implemented and has lapsed.

CH/2005/0314/HB -Alterations, part demolition, single storey extensions and conversion of barns to provide ancillary residential accommodation. Conditional consent. This was not implemented and has lapsed.

CH/2005/0315/FA - alterations, part demolition, single storey extensions and conversion of barns to provide ancillary residential accommodation and a second dwelling. Conditional permission. This permission was not implemented and has lapsed.

CH/2005/0316/HB - Alterations, part demolition, single storey extensions and conversion of barns to provide ancillary residential accommodation and a second dwelling. Conditional consent not implemented and now lapsed.

CH/2013/2054/FA - Recladding of 3 barns with timber weather boarding and erection of a timber storage building (Retrospective). (These buildings are located to the north of the cluster of historic farm buildings and the current application proposal is to retain the buildings for D2 use, as shown on the applicant's proposed plans and outlined within the description of the proposal ".....retention of existing barns (x3) for use as a community facility for assembly and leisure purposes (Use Class D2) in connection with the church...." Conditional permission.

CH/2014/0555/FA - Change of use of land and buildings from agriculture to a mixed use comprising a place of worship (D1) and associated use as a community facility for assembly and leisure purposes (D2) in connection with the use as a place of worship. Erection of play equipment. (Retrospective) - Temporary planning permission granted for a limited period which will expire on 30 June 2017. This temporary permission was granted to enable the Local Planning Authority to review the suitability of this use at this location in the light of experience gained during the period of this permission and to allow short term care of the Listed Building setting and the opportunity to explore the long term viability of the Listed Buildings.

CH/2017/1039/FA - Restoration and extensions/alterations to existing listed farmhouse and listed cartshed/granary to create an enlarged dwelling (Use Class C3); restoration and extensions/alterations to existing listed barn for use as function room (Use Class D2); change of use of existing listed stable and erection of buildings to replicate former fire-destroyed buildings and erection of extensions for use as a hospitality centre (Use Class D2); erection of 8 dwellings (comprising 4 two-storey, semi-detached pairs) with associated carports/garages (Use Class C3); erection of single storey church building (Use Class D1) and retention of existing barns (x3) for use as a community facility for assembly and leisure purposes (Use Class D2) in connection with the church; construction of internal access road; construction/creation of visitor coach/car parking areas and associated landscaping.

Under consideration - see separate report on this agenda.

THE APPLICATION

The application seeks Listed Building Consent for the restoration and extensions/alterations to the existing listed farmhouse and listed cartshed/granary to create an enlarged dwelling (Use Class C3); the restoration of and extensions/alterations to the existing listed barn for use as a function room (Use Class D2); works to the existing listed stable and erection of buildings to replicate former fire-destroyed buildings and erection of extensions for use as a hospitality centre (Use Class D2).

The application proposals are described below :

Farmstead:

The applicant proposes to restore and convert the Farmhouse, Barn and Cartshed/ Granary together with a replacement linking structure, to provide a 5 bedroom Dwelling over two storeys (Use Class C3).

The remaining elements of the listed Stable will be retained, restored and converted and together with replacement structures running broadly along the lines of the original footprint and profile of the northern fire-destroyed structures to provide a Hospitality Centre comprising 4 Hospitality Suites, Refectory and Kitchen over two storeys (Use Class D2).

The above works are dependent on the enabling development to fund the Listed Buildings works which are discussed in full in the full planning application report and for ease summarised in the other matters section below.

PARISH COUNCIL

Chalfont St Peter Parish Council -

"Object to development within the Green Belt. Strongly object to 4 pairs of semi-detached houses in the Green Belt. Concerned about change of use in the area and potential for further development if allowed. Concern car park for congregation of 350 and also access onto A40. CSPPC will seek advice from Parish Planning Consultant."

REPRESENTATIONS

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

Design and Access Statement; Visual Structural Appraisal (VSA); Preliminary Budget Estimate, February 2018; Method Statement Stampwell, Planning Statement; Stampwell Farm Scheme Viability Report, May 2017 by Bidwells; A41212 Land Holding Plan; 948.12 B4 Staircase Revised Plan; 948_Drawing Issue 12.5.17; 948_WBA Existing Drawings; 948_WBA Proposed Drawings 10.6.17; Landscape Framework Plan 0663.1.1, May 2017; Planting Plan 0663.1.3; Landscape and Visual Assessment for Proposed Church, Farmstead, and Restoration and Enabling Residential Development, 15.5.17.

CONSULTATIONS

District Historic Buildings Officer (HBO):

A summary of the HBO's comments are set out below and under the various titles in this report. The HBO's comments are assessed in the evaluation section of this report.

Stampwell Farm has Grade II listed buildings that have suffered more than 15 years of neglect and are now in such poor condition as to be at a tipping point, with loss imminent if major repair works are not carried out on a near-immediate basis.

These applications propose a package that will provide means and incentive for the repair and future use of the listed buildings in a new context as part of a church community, entailing re-instatement of missing buildings, change of use of the site, and development to include a new church building, widening of the access road, and provision of car and coach parking. This contextual development is to be funded by the community, but eight new residential units are proposed as enabling development to fund the specialist repairs and works to the listed buildings.

The Council is obliged to have special regard to the desirability of preserving the listed buildings and their setting by Section 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This obligation has been considered by the courts to carry considerable weight.

Paragraph 132 of the NPPF states that "great weight" should be given to the conservation of a designated heritage asset. While this weight must be in proportion to the importance of the asset, substantial harm to or loss of a Grade II listed building should be exceptional.

My comments contend that the listed buildings retain very considerable significance despite their dilapidated condition, such that their Grade II status is not in question, and such that the buildings remain important. This importance is not of the very top Grade I or Grade II* order, but is equivalent to that of the middle order of the Grade II range. The above obligations and weights therefore remain relevant.

My comments describe the proposed works to the listed buildings as reasonably appropriate to their historic character, with potential for a strong balance of benefit in conserving and enhancing their significance, and in allowing for a use that will sustain them into the future.

Full comments on the listed building aspects

The Application:

The application proposes a change of use for the site and its listed buildings, and enabling development as a means of funding their rescue from near-dereliction. In essence the supporting arguments are that: the listed buildings are in dire need; the applicant has been the only party to see any future for them; the applicant's interest in this site stems from his vision for a church community inspired by monastic precedent, with close links to the natural farmland (see his Holistic Report); the community can make good use of the listed buildings, but a church, associated facilities and parking will be essential to achieving the vision and maintaining the applicant's interest in the site; the costs of the church and associated new build/development will be funded by the community, but the high costs of bringing the listed buildings back into use will need to be subsidised by enabling development of eight new dwellings.

Prime heritage considerations will include:

The Council's obligation under Sections 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving the listed buildings and their setting.

The considerable weight that this obligation has carried in legal case history;

The similar desirability set out in paragraph 131 of the NPPF of "sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation".

The principle of paragraph 132 of the NPPF that great weight should be given to the conservation of a designated asset - while the weight should be in proportion to the importance of the asset, substantial harm or loss of a Grade II listed building should be exceptional.

The principles implied by paragraph 134 of the NPPF, in relation to the weighing of harm against the benefits of securing the optimum viable use of the building.

Planning Practice Guidance (Para 18a-015-20140306) that stresses the value of viable use as an incentive for active conservation, and that harmful development may sometimes be justified in the interests of realising optimum viable use as long as harm to the significance is minimised.

Historic England guidance on Enabling Development, as to whether the benefits of these enabling proposals would both secure the conservation of the listed buildings and outweigh the disbenefits of departing from other planning policies (paragraph 140 of the NPPF).

POLICIES

Core Strategy for Chiltern District - Adopted November 2011: Policy CS4(m).

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies LB1, LB2, LB3 and LB4.

OTHER LEGISLATION AND GUIDANCE

National Planning Policy Framework (Revised July 2018) (NPPF): Chapter 16.

National Planning Policy Guidance (NPPG).

Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16, 66 and 72 require the LPA to have regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

Historic England guidance documents and advice notes (and more specifically those listed below).

Historic England Guidance; Managing Significance in Decision-Taking in the Historic Environment- 2015, and Making Changes to Heritage Assets- 2016.

English Heritage, 'Enabling Development and the Conservation of Significant Places' 2008, (Revised 2012).

EVALUATION

Principle of development

1. The application buildings are Grade II listed. In this instance the only issue for consideration is whether the proposal would unduly affect the architectural or historic character or setting of the listed buildings.

2. Stampwell Farm has a range of listed buildings including the farmhouse, timber barn/stockshed/hayloft range. The farmhouse has not been occupied for decades, and the whole site suffered a period of total vacancy and neglect from about 2004 until purchase by the current applicant. When the site went into receivership, the land holding was subdivided into separate plots, the historic farmstead and retained small holding failed to attract buyers. It is the view of the Historic Buildings Officer that establishing a viable use for the site will be vital to any hope of rescuing the listed buildings, as it will be the only means of providing incentive for their restoration and future maintenance, and for the restoration of their setting. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation is a major thread within the policy of the NPPF and is reflected in the "paramount importance" accorded to heritage assets in the Core Strategy.

Designation

Which listed buildings at Stampwell Farm survive?

3. Historic buildings identified in the Grade II listing descriptions now comprise:

- Stampwell Farmhouse;
- The barn to the north of the farmhouse;
- One full bay and other remnants of a two-bay stable building, along with remains of a byre that formerly linked the stables to a second barn.

4. The second barn, listed as being to the north-east of the farmhouse, was destroyed by fire in 2008, and further fire and wind damage has been responsible for the subsequent losses to the byre and stable.

5. A lower building attached to the south-west end of the barn, last used as a cowshed, also survives. The list descriptions are silent about this building, but it is considered here that it forms part of the listed group by virtue of attachment and because of its function ancillary to the use of the house as a farmhouse.

The condition of the listed buildings

6. The desperate condition of the surviving listed buildings is evident. Some detail of the problems and repairs needed are described and illustrated in the submitted Visual Structural Appraisal (VSA), which suggests that the farmhouse in particular is now "at a tipping point". This reflects a long history of neglect that is worth understanding as part of the context for the current proposal and any possibilities for the future.

7. When the HBO visited in 2003 (see photos reproduced in Appendix 2 of the submitted Planning Statement), the farmstead showed signs of recent agricultural use and the buildings were maintained in basic order, but the farmhouse had evidently not been used for many years. It appeared to be without mainstream domestic services and had no heating other than open fireplaces. The top of the front wall was already cracking away from the left gable, and there was clear need for major repair and refurbishment.

The condition of the listed buildings and background history

8. To further this end the Council gave approval in 2004-5 for conversion of the barns, with options for their use either as ancillary accommodation to the farmhouse, or with the far ranges forming a second dwelling. Subsequent marketing and inactivity, however, suggested that the owner was holding the property as an "investment opportunity". Thus it languished. While the Council managed to secure urgent works to tarpaulin the increasingly leaking roof, and to board up the openings, the remote location made it impossible to keep the buildings secure. Tiles, windows and fireplaces disappeared gradually, and the north-east barn was reduced overnight to a few charred fragments.

9. When receivers made further applications in 2010, the loss of this barn made it impossible to extend the time limits of the earlier approvals. It became apparent in the following informal discussions of 2010-11 that the previous conversion schemes would not be attractive to purchasers, given both the need for greater works and the changed financial climate. Possibilities for re-instating the missing barn and converting the remainder as part of a scheme for a larger number of small residential units were discussed, and the property was marketed with our informal conclusions and provisos potentially available for the agent to share with any purchaser. The HBO was concerned that the number of enquiries received as a result was extremely low.

10. The applicant purchased the site in 2012, and shared his vision of establishing a church community within and around the hub of the listed buildings. Since then we have been in regular discussion about the most urgent needs of the buildings, and he has carried out emergency works endeavouring to maintain stability, and improve ventilation and security. Some of these works, however, are ceasing to be effective. Most notably, the roof membrane for the farmhouse has again failed and there are major leaks. The VSA identifies resultant wet rot in the timber roof structure and eaves plates. It would be too perilous to attempt a further similar replacement given the further decay. The only answer will be proper repair with replacement timbers where required, and full regard for scaffolding and safety, as now proposed. The VSA makes clear that this work is needed as a priority on an immediate basis, and that failure to address it will lead to structural failure. The rear chimney has already collapsed.

10. Works undertaken to the barn range in 2013 allowed for patching the roofs and cladding, and for propping the cowshed structure. Movement and high winds/snow potential, however, prompted removal of the cladding (with salvage of the tiles and boarding) in early 2016 to allow righting of the timber framework. This is now propped, strapped and more stable, but is clad only with battened membrane over the roofs. The wall framing is exposed. Without further work the benefits will be lost and the framing will be short-lived.

11. The stable building is propped and the exposed central partition structures protected with battened membrane, but these measures will only be of temporary benefit. The roofless remnants of the damaged half, and of the link byre, are fragile.

12. It should be evident that the time for temporary holding works, such as might be taken on an urgent works basis, is over, and that a scheme that incentivises full, prompt and appropriate repair and refurbishment will be essential if the buildings are to have any future. They will very soon be in extremis if no action is taken.

Significance of the listed building

How does the condition affect the significance of the listed buildings?

13. These comments assess the significance of the listed buildings as required by paragraph 129 of the NPPF in order to inform determination. In this instance the assessment must take account of the reduced circumstances of the buildings. The HBO has also commented on the scope for appropriate repair as this would affect the potential significance. It should be recognised that some repairs would be equivalent to standard maintenance inevitable for any historic building, but that more drastic works may merely simulate rather than restore historic character. Inappropriate repair will detract from the significance. The significance of the buildings will lie in the degree to which the architectural interest of their distinctive historic appearance and construction survives, and in the historic interest of their capacity to illustrate past rural life and farming practice, as follows in paragraph 15.

14. The farmhouse retains prime 17th century features, including its distinctive plan form with front doorway, lobby and chimney in line, and its timber-framed construction. The framing of the earliest front range is visible internally, where it currently retains original daub panels, while the mid-later 17th century framing and brick panels of the rear wings are exposed to the approach from the south-west. Blocked timber mullion windows and low ceiling beams are visible inside. Given the extent of the damage the VSA estimates that about 35-40 per cent of the framing is compromised and will need to be replaced, the majority at eaves-plate and roof structure level. Traditional replacement carpentry could preserve the historic style, but it would take time to acquire the patina of age. The brick frontage provided c.1800 to smarten the farmhouse, is in better condition, and would only require lesser work such as tying-in, patching at the top-left corner and re-pointing. It will, however, need a replacement matching door, replacement window frames and new window casements. The current lack of roof cladding could readily be made good with new clay roof tiles of appropriate colour and texture, as standard historic building repair. Such works would do much to restore the former attractive external appearance and character of the building, but would require full prior repair of the roof structure.

15. The simple traditional interior of the farmhouse survived until the last decade with little alteration, and was of some particular interest for the consistency of its lime plaster wall and ceiling finishes. Many of these are now fallen or de-bonding, with the need for replacement estimated in the VSA at about 80 percent. New lime plaster finishes could do much to restore the visual historic character and breathability of the structure. There are still some traditional brick floors, a wide flat kitchen sink and water pump, traces of a closed-over well, matchboard dado panelling, and some of the c.1800 splat balusters for the staircase. The main central fireplace at the heart of the house survives with its 19th century modifications, but the c.1900 grates fitted to the parlour and bedroom fireplaces have all gone missing. The losses have not affected understanding of the spatial areas of the house, with original hall and parlour flanking the off-centre chimneystack, food preparation and storage areas (including a sunken cellar) to the rear and at the end nearest the former cowshed, and bedrooms at first-floor level.

16. The barn to the north retains its 18th century timber frame and brick plinth, and its 18th century layout of four bays with opposing cart doors and gabled porch, thereby allowing historically for a through cart way for loading and a through draught for threshing, as well as grain storage. Of the cladding materials currently missing, the old clay tiles are in storage ready for replacement, and traditional weatherboards would restore the historic appearance.

17. The former cowshed attached to the barn also retains late 18th-early 19th century timber framing, now better revealed by the removal of concrete cattle stalls. Its external appearance could readily be restored as

above. The building is distinctive in retaining a loft with rear loading dormer, and posts along the original elevation to the yard show that it was once open-fronted. The routine 20th century brick walling built in front of this elevation is not of special significance and detracts from the historic character.

18. The stable retains one full bay of 19th century vernacular structure, with brick lower walls, timber framing above, and old tile roof. Feeding troughs with drops from the loft give evidence as to how the stables were used. The link byre is much more fragmentary but evident in plan. In my opinion its previous value lay more in its role as a very simple link structure than in the detail of its construction.

19. The horseshoe layout of the buildings was very important to the significance and individual setting of the buildings as parts of a historic farmstead. It demonstrated the very close historic relationship between the farmhouse and its farm buildings, and the grouping of the farmstead around the historic farmyard. The close relationship between the farmhouse and north barn range survives, but the loss of the barn to the north-east, along with part of the link range, has left the stable in comparative isolation and left the farmyard without proper sense of enclosure. Replacement of the missing buildings in sympathetic manner would be of benefit in restoring that sense of enclosure.

20. The setting of the buildings in rural countryside, with old orchards and agricultural fields around, remote from the road and distant even from the nearby pair of houses, is also of high importance to their significance and understanding of their historic purpose. This setting is perceived by visiting the site, and in views of it from the public rights of way passing to the south and west.

21. The skeleton of the former storage barn to the north east of the farmstead does not add aesthetically to its setting but is consistent with its historic farming purpose. The utilitarian 20th century agricultural store buildings to the north-west, now clad in timber, are also neutral. The caravans, whether timber-clad or not, and the very large white and yellow-striped marquee that currently serves as a church, are alien and intrusive to the significance.

How important is this significance?

22. While diminished, the surviving structures undoubtedly retain heritage significance because of their construction, plan form, historic features, grouping and setting, albeit the former attractiveness of their appearance is compromised. In my opinion the farmhouse and barn continue to meet criteria for listing and I cannot foresee that Historic England would wish to review the Grade II status in the light of the decay and loss. Even the stable remnant would still have some value as part of the group. I therefore do not see any reason for waiving the statutory obligation regarding the desirability of preservation.

23. The current significance is undoubtedly less than that of Grade I or II* listed buildings, and is not as great as that of better preserved, more complete or more exceptional Grade II buildings. However, it is as important as for the many buildings in the middle order of the Grade II range. Even in their raw state the Stampwell buildings show greater historic character and more immediate evidence of the past than many a timber-framed cottage or converted farmstead "done-up" in the 1980s, even though they do not appear as "pretty". The HBO therefore is clear that there should be no reason for according low weight in any planning decision.

24. Refurbishment could not fully restore the significance exhibited by the buildings in 2003, but if appropriately carried out it could go a long way to preserving them and complimenting/enhancing the surviving historic character such that the significance was more readily understood and attractive. The significance would reduce and become less important, however, in the case of inappropriate works.

The reason for the proposed works

25. To repair and reinstate the heritage assets.

Impact on designated heritage assets

The impact of the proposals on the setting of the listed buildings (extensions)

26. The effect of the proposal to reinstate a building in place of the missing barn will be positive to enhance the significance. The proposed building takes the footprint and proportions of the former building and will differ visually only in terms of a tiled rather than a slate roof, a small number of roof lights, a gabled rather than a hipped "cart entry" feature, and residential use. The larger domestic glazing is tactfully recessed behind the posts and overhanging roofs that replicate the former catslide animal shelters to the south west of the barn. This building will acknowledge the former agricultural character and, along with reinstatement of the byre, will re-enclose the farmyard in reasonably tactful manner. This will be of overall benefit to the significance of the listed buildings in terms of their relationships and grouping as parts of a historic farmstead.

The Church

27. The proposed church building will be a very large new element that will be readily seen in association with the historic farm group, from the approach track and from the public footpath to the west. As a building alien to the historic function of the farmstead, and surprising within the rural agricultural setting, the building must give rise to some harm to the significance and heritage value of the listed buildings. The degree of harm is, however, mitigated by the simplicity of the building and its attempt to echo the agricultural style, with single large roof and timber cladding. The scale will not be dissimilar to that of a modern barn or equestrian building, and will not eclipse the existing buildings in height or fussiness. Its mass helps to form part of a second courtyard arrangement associating with the more recent timber-clad modern buildings rather than directly with the historic group. These factors will not conceal the change to the context of the listed buildings, but will help to blunt the visual impact. In the opinion of the HBO, the harm would not destroy the significance and would therefore be less than substantial, and indeed moderate.

Access arrangements for the proposed uses

28. The knock-on requirement for enlarged access to the site and for large parking areas will also be of some harm to the rural setting of the historic farmstead. The parking to the rear will be relatively discreet and will replace informal hardstanding currently in place, but the parking in the green space to the south west will be more visible from the main approach and will contribute to a more institutionalised character. Parked coaches will appear particularly intrusive. The applicant points out that the existing orchard on the site will in any event need to be replanted, but the introduction of the parking will greatly exaggerate the loss.

29. New planting and grass-crete surfacing will help over time to soften the everyday visual impact on the site, though not when the church is in full use and the site is most visited. As with the church building, with such mitigation in place the harm would not be substantial and could be moderate.

Enabling Development

30. The eight houses proposed as enabling development will introduce a new settlement that will intrude on the comparative isolation of the historic farmstead and thereby detract from its significance. As a regular series of semi-detached houses with full two storeys, projecting gables and garages, the development will strike as almost suburban.

31. The houses have, however been reduced in number compared with previous informal proposals, and are more tactfully grouped as far away from the historic farm group as space and access allow. They will associate most closely with existing replacement buildings of similar architectural character. It will remain possible to see the farm group as separate and more distinct from the new cul-de-sac, without substantial harm to their setting or complete loss of significance. In this sense the HBO acknowledges that the harm is mitigated to some extent.

Conclusion

32. Overall, the church building, wider access, car parking and housing are therefore all of some harm individually. In sum, the combination of harm will be slightly greater. It would still not eradicate the significance, and therefore could not be regarded as substantial.

Is the extent of harm to the setting and significance justified by the benefit to the use of the listed buildings?

33. As the harm is "*less than substantial*" it must be weighed as required by paragraph 134 of the NPPF against the public benefits, including that of securing the optimum viable use for the listed buildings. Optimum viable use is defined in the Planning Practice Guidance as the use "*likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes*". If there is only one viable use, that use is the optimum viable use. The Guidance continues: "*Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused provided the harm is minimised.*"

34. The applicant's proposal is a package of new church community use and enabling development that is very much driven by the applicant's interest in the site as a church community. The submitted Scheme Viability Report does include a short section on options, but it refers only to the unlikelihood of commercial use. It does not re-visit the options previously investigated for residential housing units, and it is clear that the applicant is only truly interested in the site for his particular purpose, and that his new use alone cannot provide for the works to the listed buildings. They therefore state that the enabling development of the new houses is also necessary.

The applicant's approach is therefore open to question:

35. Why is the church use necessary if the new houses are to provide the funding? In the light of the enabling development, should the property be re-marketed to see if there is new interest in a residential use alone, without need for the church and the parking? There will also be questions as to whether so much enabling development is necessary, and whether the harm could be minimised by reducing the number of houses? The HBO offers the following comments on the enabling argument.

36. The costs of the listed building repair are based on the Preliminary Budget Estimate by Selway Joyce. This is a professional assessment that looks in some detail at the costs, but Historic England guidance warns that such assessment is not a precise art, and the Council has required the estimates to be professionally scrutinised by Sawyer and Fisher. The scrutiny notes some discrepancies with details on the amended plans, but these could be regarded as minor. It also notes under-provision for some aspects of the repair, but notes that this may in part arise from conservation options as to exactly how the frame is to be mended, whether to re-tile ground floors or restore the matchboard dado panelling. While surety on these matters would be ideal, the application notes that it is not currently possible to determine the complete extent of replacement framing, or even the most appropriate method of repair, and that some leeway is needed. The issue of the floors and dado panelling is secondary, given that any replacement would be wholly new in any case. The HBO also notes that while some of the figures are reputedly under-called, some of the costs of the 'fitting out' are perhaps exaggerated. The estimates are therefore not perfect, but they do serve on balance as a rough guide to the likely order of costs, and do not overcall the potential expense.

37. The purchase price originally paid by the applicant is quoted at the low figure of £230,000 for the listed building complex and the housing site. While this does not reflect a nil or negative value that might be ascribed to the near derelict listed buildings, it does not strike as exaggeratedly inappropriate for the site. The total cost of repairing the listed buildings is estimated on page 2 of the Preliminary Budget Estimate as amounting to just under £4 million, including preliminaries, contingency, professional fees and VAT. The Appraisal Summary in Appendix 2 of the Scheme Viability Report by Bidwells quotes a potential sales value for the listed building complex of £2 million, leaving a conservation deficit of £2 million to be covered by the

enabling development (though it is not clear whether the sales value also covers the replacement barn, which is outside the scope of the enabling development).

38. The Appraisal Summary is set out in the manner advocated by Historic England guidance, and shows that the costs of the repairs and refurbishment, and of constructing and administering the enabling development would be met by the sales value of the listed buildings and the 8 new houses. The total revenue from the scheme would exceed the costs to allow for a modest developer's profit of about 8%. This is not unduly excessive, but necessary to provide incentive for development, and is in fact low compared with usual expectations.

39. What is not wholly clear is how the applicant has arrived at the figure of eight houses as necessary to cover the costs. Would it have been possible to get away with less, thereby reducing the degree of harm? These are valid questions. The applicant may well be able to throw more light on the last. As for the issue of use options and alternative marketing, it is clear that he does not regard these as relevant. He is presenting his proposals as the only (and therefore optimal) proposals to have arisen and been pursued since the site was marketed in 2012 and received no sign of other interest. They are the only set of proposals on the table for saving the listed buildings. They have taken years to formulate, cost and prepare, during which the listed buildings have inevitably declined further, despite his best efforts, and are now at a tipping point. However one arrives at this conclusion, I have to agree that the last point is true, and that the circumstances of the listed buildings are acute. In these circumstances the proposals are not only the only option under current discussion. They may well also be the last option.

40. In this context it will be worth considering the degree of additional surety that further questioning and consideration might. While the questions may be perfectly valid questions, they branch into the unknown and require research and further information that will take time to pursue. This is time that the listed buildings do not have. If they collapse in the meantime, the loss of significance will be total and the degree of harm substantial. In heritage terms this would evidently outweigh the less than substantial harm to the setting.

41. This is not a comfortable equation. The condition of the listed buildings must, however, be a material consideration, as Planning Practice Guidance acknowledges, and the knock-on consequences of delay or refusal will need to be considered.

42. It is the opinion of the Council's HBO, after nearly 15 years of trying to find a solution for these buildings, that the application is not perfect, but that it does present a last chance for saving their significance, and that the benefits outweigh the harms in heritage terms. For heritage reasons officers would urge approval as long as conditions and obligations secure the benefits to the significance, in terms of quality and timeliness of restoration.

Assessment of the degree of harm and benefit

43. The HBO describes the development within the setting of the listed buildings as being more harmful to the significance. As the degree of harm has been greatly reduced compared with previous informal proposals, she considers the harm of the individual elements to be moderate in heritage terms, but that the total sum of harm is slightly greater than moderate. This harm would be less than substantial in that it would not destroy the significance or prevent perception of the farm group as a discrete historic entity.

44. Paragraph 134 of the NPPF requires that less than substantial harm to the significance is weighed against the public benefits of the proposals, including securing the optimum viable use of the listed buildings. The Planning Practice Guidance discusses the "optimum viable use" as being the use least harmful to the significance and recognises that if there is only one use, that use must be optimal.

45. In this case assessment of the balance of harm and benefit is muddled by two complications:

(a) The applicant leaves it open to assume that his proposed use is the only (and therefore the optimum) use because of the lack of any other interest in the marketing campaign of 2012. No new marketing has taken place since, despite the introduction of enabling development that might well change the baseline and be attractive in the context of other uses.

(b) The information submitted with regard to the enabling development does not specifically identify the conservation deficit. It shows how the houses could finance the repairs, but not whether the eight houses are all wholly necessary to cover the deficit.

It is therefore not possible to be absolutely certain that the whole of the harm is necessary, and that it has been minimised.

46. In the opinion of the HBO, there is also need for some consideration of the harm that could very well arise from further delay or refusal. It has taken years to get to this stage. Since 2005 no-one but the applicant has pursued proposals that would achieve the benefit for the listed buildings. Further marketing would take time, during which the listed buildings may well be lost. Loss of the buildings would mean loss of the significance, and harm that is substantial. The weight of the substantial harm of losing the buildings would be greater than that of the "less than substantial harm" to their setting.

47. In these circumstances, given the less than substantial heritage harm, the HBO suggests that the heritage benefits outweigh the heritage harm, and would urge approval as long as conditions and obligations secured the benefits. As the benefit relates to a last-chance opportunity to preserve the listed buildings, she suggests that this should carry considerable weight.

48. The HBO recognises, however, that heritage harm is not the only harm and that the balance may appear more negative in relation to other planning matters. In this case it may be more important to pursue whether the whole of the harm is necessary and justified. In this case, however, she strongly urges the Council to consider what exactly is needed and limit requirement to what may be achieved in speedy manner. It will also need to consider measures that might serve to prolong the existence of the listed buildings in the meantime.

Will works to make the listed buildings fit for use truly enhance or restore their significance and provide meaningful public benefit?

49. The proposals to alter the listed buildings (i.e. those requiring Consent) include: works to adapt the farmhouse for continuing residential use, mainly as bedrooms; replacement and enlargement of the previous link to the cowshed to provide a single-storey kitchen/breakfast room; conversion of the cowshed to a family room with room aloft room above; refurbishment of the main barn as a living/dining/function room for the community; a glazed passage extension to link the farmhouse to the converted barn and a rebuilt NE range beyond; and re-instatement of the missing parts of the byre and stable to provide three new residential suites, with small ensuite bathrooms instead of the former shacks to the rear of the byre.

The proposals would be harmful in that:

50. A new doorway into the bathroom for bedroom 1 in the farmhouse would result in the loss of a small blocked 17th century window with timber frame and mullion, currently semi-concealed in the walling. The flat sink and water pump would be lost, as would the remnants of brick floor. The 19th century brick wall between the farmhouse and cowshed would be lost, to be replaced by a slightly recessed new wall on new foundations; there would need to be new openings in the central partition wall of the stable, albeit amended drawings have greatly reduced the need to cut historic timbers. The new rooms inside the stable would be small, and it is not proposed to retain the feeding troughs. These harms are in my opinion minor harms given the scale of the works, and could be mitigated by recording of the window with possible preservation of it on site as a feature.

51. In terms of benefit, the proposals for the listed buildings call for minimal alteration of the existing layout of the farmhouse, and look to preserve the large historic spaces of the cowshed and barn. External elevations would be restored to make good or match their historic appearance, albeit with glazing inserted into the existing openings and doorways of the farm buildings. The number of new windows needed is relatively small, and they have been designed either to match existing openings or to appear agricultural in character, set around existing wall studs. In providing incentive for repair and future use and maintenance of the buildings, the benefit would be enormous as long as the works are carried out sensitively and appropriately.

52. Provision for this is set out in the application in: the notes and materials included on the submitted drawings; the works scheduled in the Preliminary Budget Estimate by Selway Joyce; and in the two Method Statements prepared by Wintle Property Services and Dylan Hartley. The specification is a little spread across these documents, and would need to be tied together by means of a condition, but gives the impression of a strong conservation approach, aiming to minimise unnecessary loss, match existing materials, use lime mortars and plasters, and provide for carpentry repairs in new oak timber with traditional joints of matching size and type.

53. It is, however, recognised that the timber repairs will depend on further investigation and that this is not yet possible given the poor condition. Mention is made of further approval by the conservation officer, and officers would strongly recommend conditions requiring further approval for the materials and mortars, and for repair details that depart from the approach suggested or are more extensive than currently noted. It may be perfectly reasonable to adopt alternative methods in the interest of greater conservation of the existing fabric, but there will be need for expert opinion on the acceptability. The HBO also has some reservations about the specifications for a concrete, as opposed to a lime-crete floor slab, but does not think that it would be reasonable to require retention of the remnants of brick floor given the very poor condition.

54. With these provisos, the HBO is in no doubt that the impact on the significance would be positive, and that the heritage benefits of the works to the listed buildings would outweigh the small degree of harm in arising from these particular works.

Other matters

The other development elements of the combined proposals for the site include:

55. Enabling Residential Development, which will comprise four pairs of two storey 3 bedroom semi-detached cottages (Use Class C3), each of 97sq.m. 1046sq.ft. GIA, giving a total of 8 dwellings of 777sq.m. 8,370sq.ft. GIA.

56. A church is also proposed as additional development in the Green Belt and the Listed Buildings restoration is to be an ancillary use to the church operations. The internal area (GIA) of the new church building is 348sq.m. and it proposes to accommodate a seated congregation of 346 people in capacity terms.

57. In addition to these elements, the retention of the 3 existing barns is proposed as a community facility for assembly and leisure purposes (Use Class D2) in connection with the church; construction of internal access road; construction of visitor coach/car parking areas and associated landscaping.

58. The Church is not required in this Listed Buildings application as it does not require Listed Building Consent. The same could be said in terms of references to "enabling development" and "access arrangements" although the delivery of the Listed Buildings restorations relies on the enabling development.

Conclusions

59. In terms of the works proposed to the Listed Buildings there are no overall work concerns. The reinstatement of the farmstead is important to the significance of the Listed Buildings, whilst it is acknowledged that this would be at an additional cost and influences the extent of enabling development potentially required. The extensions do not cause any harm to the Listed Buildings and the proposal would enhance and better preserve the designated heritage assets.

60. Although the proposed use is not required for the use of the Listed Buildings and the planning objections are noted; the alterations would facilitate use of the Listed Building as a dwelling or for alternative use and in this respect there is benefit in making the buildings viable in their own right. As such there is no objection to the Listed Building application.

61. The proposed works would not adversely harm the significance or character of the building and as such no objections are raised in this regard, in accordance with Paragraph 196 of the NPPF and policy LB1, LB2, LB3 and LB4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001), Consolidated September 2007 and November 2011.

62. The loss of an agricultural 'landscape/setting' would impact on the significance of the heritage assets therefore other factors in terms of character, appearance and setting would be vital in any assessment. These are addressed in the full planning report and the relevant conditions and informative below are proposed to ensure the works are undertaken as specified. That said, the argument of enabling development (as a funding stream) should be accurate in terms of bringing the buildings back into a state of good repair and viable use, and limited to the minimum necessary.

The proposed Church would introduce additional built form, which should be the subject of a separate application, since it has not been demonstrated that the provision of the Church is necessary to achieve the restoration of the listed buildings.

The wider picture:

Recommendations to the Council:

63. In wider planning terms I acknowledge that there are major costs. I cannot not venture into this wider balance other than to remind of the "considerable weight" to be given to the conservation of the significance of heritage assets, and the value of these particular buildings.

64. Any negative decision will need to have taken account of the likely loss of the buildings within the near future. If the Council wishes both to refuse the application and to avoid the loss, it will need to consider:

- New means of stemming the decline of the buildings. In this context it will be difficult to arrive at effective urgent works, given that most options are now exhausted (though full covering of the barns would help).
- The survival of the house will depend on the possibilities of finding a new solution that speedily funds full repair. At best this would be achieved by working with the current owner. At worst it could require use of the Council's powers to issue a Repairs Notice, and follow through with compulsory purchase. Speed would need to be a prime consideration in any event.

Working with the applicant

65. 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.

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

Human Rights

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

RECOMMENDATION: Conditional consent

Subject to the following conditions:-

1 C141A Listed Building Consent Time Limit

2 All new or disturbed work to the interior and exterior of the building shall be finished or made good to match the existing or in accordance with approved details. This shall extend to the use of matching lime mortar where appropriate.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

3 Prior to commencement of works, details of the scaffolding superstructure to support and protect the existing buildings prior to and during works on site, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

4 Prior to commencement of works, recording of site and buildings as existing including, however not limited to, the interior and exterior photographs of all listed buildings on the site including more detailed photographs of timber framing, windows, doors, fixtures and fittings, built fabric, ceiling and wall finishes to be removed, repaired and/or replaced, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

5 Prior to commencement of works, a detailed up to date, condition and structural survey including specification and methodology for works required, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

6 Prior to commencement of works, a detailed schedule and phasing of works shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

7 Prior to the reinstatement of the masonry wall and brick chimney stack to the south west corner of the farmhouse, detailed drawings at 1:20 shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

8 Prior to installation of the relevant materials listed below, details and sample panels shall be made available for inspection on site, and these shall be approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

- a) Brick
- b) Roof tiles
- c) Timber weatherboarding
- d) Flat roofing material

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

9 Notwithstanding the submitted documents, prior to commencement of works to the floor slabs, details of a limecrete floor slab construction for all relevant buildings shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

10 Prior to installation of thermal 'Ty- Mawr wood fibre insulation board', detailed scaled drawings of the roof and wall construction including application of insulation to all the buildings at no more than 1:20 in scale, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

11 Prior to installation of any fire and sound proofing to any of the buildings, details of type of material to be used and method of application including detailed scaled drawings, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

12 Prior to any damp treatment works, details and methodology of works shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

13 Prior to installation of service pipes and flues to the buildings including soil vent pipes, details of locations, materials and appearance shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

14 Prior to works to the foundations, methodology and locations of strengthening works shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

15 Prior to any rendering, repointing or any internal plastering works, details and sample panels to be inspected on site, of the lime mortar, render and plaster ratio mixes, and pointing and bonding style to external brickwork, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District,

Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

16 Prior to works to any timber framing, a detailed written report including a schedule and methodology of works and scaled detailed drawings of timber replacements and extent of repairs shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

17 Prior to the replacement and installation of windows hereby permitted, details of the appearance, materials and joinery profiles at an appropriately drawn scale, of these windows shall be submitted to and approved in writing by the Local Planning Authority, for the following buildings:

- a) Farmhouse
- b) Cart shed/ granary
- c) Barn
- d) Stables
- e) Reinstated buildings
- f) New buildings

Works shall be carried out in accordance with approved details and no other windows shall be inserted into any of the buildings.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

18 Prior to installation of the doors hereby permitted, details of the appearance, materials and joinery profiles of all internal and external doors, at an appropriately drawn scale, shall be submitted to and approved in writing by the Local Planning Authority, for the following buildings:

- a) Farmhouse
- b) Cart shed/ granary
- c) Barn
- d) Stables
- e) Reinstated buildings
- f) New buildings

Works shall be carried out in accordance with approved details and no other doors shall be inserted into any of the buildings.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

19 Prior to installation of glazing within the cart entrance to the barn, detailed drawings at an appropriate scale shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

20 Prior to installation of new staircases, detailed drawings of the staircase and detailed cross-sections of the staircase within the buildings listed below, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

- a) Family room (cart shed/ granary)
- b) Living room (barn)
- c) Suite 1 (stables)

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

21 Notwithstanding approved plans, prior to installation, scaled detailed drawings including cross-sections of the mezzanine floor within the south west bay shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

22 Prior to works to the existing farmhouse staircase a full survey of the existing structure, schedule of extent and methodology of repairs required and scaled detailed drawings shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

23 Prior to installation of any roof lights, further details including manufacturer information, colour and appearance shall be submitted to and approved in writing by the Local Planning Authority. The roof lights shall have a slender metal frame construction with a vertical glazing bar, and shall be fitted/set flush with the surface of the roof. Works shall be carried out in accordance with approved details and no other rooflights shall be inserted into the roofslopes.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

24 Prior to works to rebuild the existing dormers to the cart shed/ granary building, detailed drawings at 1:20 in scale shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

25 Prior to any works to the well, details of works to the well to make it safe and covered, including scaled drawings, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details and no alterations shall take place thereafter.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

26 Prior to installation of any rainwater goods, details of the guttering, down pipes and hoppers including their material, appearance, manufacturer information and how they are fixed to the buildings shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and no alterations shall take place thereafter.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

27 Prior to any cleaning works taking place, details of the methodology and type of cleaning system to be used, the process and the areas to be cleaned shall be submitted to and approved in writing by the Local Planning Authority. Any cleaning shall only be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

28 Works shall stop if evidence of existing daub panels is found within the farmhouse and the Council's Conservation/ Listed Building Officer shall be contacted in the first instance. Any daub panels shall remain in situ thereafter and any repairs shall only take place once details of those repairs have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard the special architectural and/or historic interest of the listed building in accordance with policies LB1 of The Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011, the provisions of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990

29 Pursuant to the provisions of Section 8 (1) & (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the consent hereby granted expressly authorises the execution of the works shown on the deposited plans hereby approved and listed below.

Reason: Because the building is included in the Statutory List of Buildings of Special Architectural or Historic Interest.

INFORMATIVES

1 INFORMATIVE: The applicant is advised to note that this approval extends only to the works detailed as part of this application for Listed Building Consent. In the event that the works cannot be implemented without a greater degree of alteration, the applicant is advised to contact the District Historic Buildings/Conservation Officer in order to ascertain whether further Consent might be required.

2 INFORMATIVE: The applicant is advised to note that any scaled detailed drawings required under the above conditions should be submitted at no more than 1:20 in scale, unless otherwise stated in the condition.

CH/2018/0480/FA

Case Officer: Emma Showan
Date Received: 14.03.2018
Parish: Penn
App Type: Full Application
Proposal: **Demolition of existing dwelling and erection of a detached building comprising 9 flats, with accommodation in the roof space, basement parking with vehicular access ramp, the erection of a bin store, and associated landscaping.**
Location: **Newbury House
2 Knottocks Drive
Knotty Green
Buckinghamshire
HP9 2AH**
Applicant: **Mr V Hanspal**

SITE CONSTRAINTS

Article 4 Direction
Adjacent to A and B Road
Adjacent to Unclassified Road
Mineral Consultation Area
A and B Roads
Townscape Character

SITE LOCATION

The application site is located on a corner plot to the east of Penn Road and to the south of Knottocks Drive, within the built-up area of Knotty Green. The existing property is a large two storey dwelling situated at the eastern side of a large spacious plot, with a large wrap around garden. The site is adjacent to, but not within, an Established Residential Area of Special Character (ERASC).

While Penn Road is characterised by large, two storey detached properties of varying character in addition to a number of apartment blocks, Knottocks Drive has a more uniform character and is characterised by detached chalet style bungalows of an Anglo-Scandinavian style with wide, open frontages.

THE APPLICATION

This application proposes the demolition of the existing dwelling and erection of a detached building comprising 9 flats with accommodation in the roof space, basement parking with vehicular access ramp, the erection of a bin store and associated landscaping.

The proposed apartment block would resemble two buildings which are attached along the middle by a glazed link. This would give the block a symmetrical appearance. The building would have a maximum height of 10.6 metres at the gable and 9.5 metres along the main ridge, with an eaves height of 6.6 metres, width of 34.2 metres and depth of 23 metres. The central glazed section would have a flat roof with a maximum height of 7.2 metres.

The building would contain 4 duplex apartments split over the ground and basement levels, and 5 apartments located over the first and second floors. The apartments would all have 3 or 4 bedrooms.

Basement parking is proposed to include 16 spaces, 4 of which would be accommodated in garages. An access ramp would be located forwards of the front elevation and a further 12 spaces would be located on an area of hardstanding to the front of the building. Access would remain as existing, off Knottocks Drive.

A bin store is also proposed and this would be sited forward of the apartment block and alongside the access drive serving the building.

A Design and Access Statement has been submitted in support of the application.

RELEVANT PLANNING HISTORY

CH/2017/1455/FA - Demolition of existing dwelling, erection of a detached building comprising 12 flats with accommodation in the roofspace, basement parking with vehicular access ramp, the erection of a bin store and associated landscaping. Refused permission for the following reasons:

- The proposed development would appear cramped, out of character and would relate poorly to surrounding plots and buildings, appearing as an incongruous and poor form of development that would be unduly prominent and visually intrusive within the street scene which immediately abuts a designated ERASC. The proposal would therefore have a detrimental impact on the character and appearance of the locality.
- There is insufficient information in the submitted Sustainable Drainage Strategy to demonstrate that the proposed drainage scheme is viable.
- No Legal Agreement has been completed as part of the application so there are no mechanisms to provide the financial contribution required as part of the application.

CH/2015/2062/FA - Demolition of existing dwelling and erection of 2 two-storey detached dwellings with accommodation in roofspace, basements, car lifts and entrance gates (amendment to planning permission CH/2014/0939/FA), conditional permission.

CH/2014/0939/FA - Demolition of existing dwelling and erection of two detached dwellings, refused permission but appeal allowed.

CH/2013/2007/FA - Demolition of existing dwelling and erection of two detached dwellings, refused permission.

PARISH COUNCIL

Strong objection - conversion to 9 flats versus individual properties is overdevelopment in terms of intensity and effect on infrastructure, overbearing on its neighbours in size and mass, changing the character/street scene of Knottocks Drive with its detached family homes. Overlooking adjacent properties means a loss of privacy and amenity to neighbours. Access to underground parking is required, space cannot also be allocated to parking. We do not believe any of these issues have been adequately addressed.

REPRESENTATIONS

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

- Objections are the same as those submitted for application CH/2017/1455/FA
- Little difference between this application and the previously refused scheme
- Reference to similar developments along Penn Road are irrelevant as these developments are happening on much larger plots and front a busy main road
- Out of character development with limited garden
- Incremental development

- Strong local objection to this planning application
- No comparison should be made with Penn Road
- Application site is in Knotty Green village not Beaconsfield Town so proposal is inappropriate
- Excessive number of windows
- Unreasonable noise and disruption
- Over supply of flats in the area
- No Section 106 has been lodged
- No affordable housing
- Pressure on local infrastructure
- Concern regarding flooding
- Substantial hedging is not an effective boundary screen
- Entrance is onto Knottocks Drive, a residential road of medium sized houses with gardens
- No other apartments along Knottocks Drive
- Concern over a precedent being set
- Concerns in regards to size and bulk of the proposal
- Footprint comparable to previous scheme
- Overbearing appearance
- Lack of boundary screening
- Lack of privacy and intrusion to the neighbouring property, particularly from balconies
- Number and size of windows is excessive
- The business/commercial appearance of the building is unattractive and out of place
- Increased disruption for future residents and their guests
- Excessive height
- Overdevelopment
- Increase in traffic at a dangerous bend and onto a congested Penn Road
- Increase in vehicles would be hazardous
- Can solar energy panels provide enough electricity for 9 apartments?
- Lack of affordable housing would be an issue
- Little space to re-provide landscaping
- Objection to the increasing trend of developers putting in plans for 2 houses and then reapplying for a block of flats
- Concern over contractor parking
- No enforcement of the Highways Act 1980 s.137 in regards to other development along Penn Road
- Lack of consideration for further improvements to the ground water drainage
- Lack of neighbour notification
- Not sustainable development
- Proposal is bigger than the Town Hall
- Garden size is a concern
- Oversupply of flats in the area
- Not quality design
- Inadequate surface water drainage
- Too great plot coverage
- Looks like a hospital
- Ugly ramp to basement

CONSULTATIONS

Buckinghamshire County Highways Officer: 'I note that the Highway Authority has provided previous comments for this site, most recently for application no. CH/2017/1455/FA, which in a response dated 30th August 2018, the Highway Authority had no objection subject to conditions. This application differs from the previous application in that it now proposes 9 flats, instead of the previously proposed 12 flats.'

Knottocks Drive is an unclassified road subject to a speed limit of 30mph. The site benefits from pedestrian footpaths fronting both sides of the site. The application seeks planning permission to redevelop the site by the demolishing the existing dwelling and erecting a detached building comprising 9 flats.

In terms of trip generation, I would expect the existing dwelling to generate between 6-8 daily vehicular movements (two-way). In comparison, I would expect each flat to generate between 2-4 daily vehicular movements (two-way). Therefore the overall development has the potential to generate in the region of 18-36 additional daily vehicular movements (two-way). I am satisfied that these additional vehicle movements can be accommodated within local highway network.

Having reviewed the submitted plans, it is apparent that the existing access is to be retained for use by the proposed flats. As the development will lead to an intensification of the site, it is imperative to ensure that the access is safe and suitable to accommodate additional vehicle movements. In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions from the proposed access commensurate with a speed limit of 30mph. I am satisfied that these visibility splays can be achieved within land owned by the applicant or within the extent of the publicly maintained highway.

For a development of this quantum an access width is required to be a minimum of 4.8m wide. The site access measures 5m in width which allows for simultaneous two-way vehicular flow in addition to the safe passing of pedestrians. The access ramp that leads to the basement parking measures a width of 4.1m which allows for two-way vehicular flow. Pedestrians will not be required to use this ramp as there is a separate pedestrian entrance to access the basement.

With regard to parking provision, 28 parking spaces are proposed overall with 16 of these being in the basement and 12 on the forecourt of the site. Whilst I trust that the Local Planning Authority will determine the adequacy of the proposed parking provision, I can confirm that there is adequate space within the site for vehicles to turn and egress in a forward gear. Mindful of the above, I have no objection to the proposals.'

District Tree and Landscape Officer: 'The application includes a revised Tree Protection Plan for the site but does not include the Arboricultural Survey submitted with the previous refused proposal CH/2017/1455/FA.

The current application has a similar footprint to CH/2017/1455/FA and would have a similar effect on the trees and hedges on the site.

In recent years several trees have been removed from within the site. The remaining trees are mainly around the boundaries on the site and most of these are shown to be retained. There are many large trees present including various cypresses, limes, sycamores and field maples and also an oak, a Scots pine, a Norway spruce and a Bhutan pine. There has also been some fairly recent planting of young cypresses just inside the boundary on the Knottocks Drive frontage. These trees are all a sufficient distance from the proposed building so as to not suffer any significant root damage.

Four Lawson cypresses about 8m in height beside the existing access drive are shown to be removed. These are all in fairly poor condition.

The proposed access drive would pass within the root protection areas of T8 Scots pine and G1 Lawson cypress (both classified as Category B). A considerable proportion of the roots of T8 Scots pine would be affected and, bearing in mind that the roots of this tree would already be compromised by Knottocks Drive and the existing access, it would be appropriate to use no-dig construction in this area.

Some parking would quite close to the cherries T10 & T11 and the Tree Protection Plan shows no-dig construction in this area but these trees are already showing some signs of decline.

I have no objections to the proposal provided there is adequate protection for the retained trees including no-dig construction in the root protection area of the Scots pine T8.'

Buckinghamshire County Ecology Advisor: No new comments received. Previous consultation response to CH/2017/1455/FA stated no objection subject to the recommendations contained within the ecology report being adhered to in full. The same ecology report has been submitted for this application.

Thames Water Ground Supply Officer: 'On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.'

POLICIES

National Planning Policy Framework (NPPF), 2018.

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC3, GC4, GC10, H3, H12, H16, H18, TR2, TR3, TR11, TR15 and TR16.

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

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

EVALUATION

Background

1. This application is being referred to the Planning Committee following the re-classification, and subsequent re-publicising, of this application as a major application. The relevant dates and facts relating to the application are set out for the benefit of Members below.
2. Application CH/2018/0480/FA for the demolition of existing dwelling and erection of a detached building comprising 9 flats, with accommodation in the roof space, basement parking with vehicular access ramp, the erection of a bin store, and associated landscaping was submitted to the Local Planning Authority on 14 March 2018. The application was registered and classified and advertised as a 'minor application'.
3. The application was not 'called in' by any Councillors during the 28 day Call In period and so was not taken before the Planning Committee. Instead, the application was to be determined under delegated authority. Having considered the application, the Officer recommendation was to approve the application subject to the completion of a legal agreement and to defer and delegate the application to the Director of Services. This recommendation was agreed by the Team Leader on 10th May 2018.
4. In June 2018 before any planning permission was issued, the LPA was made aware of a material consideration in that the application had been registered in error as a 'minor application' and not as a 'major

application'. Legal advice was sought regarding this procedural error and how to best rectify it in order to ensure the determination of the application is not liable to legal challenge. It was confirmed that the LPA had misinterpreted the definition of major and minor applications contained in the Development Management Procedure Order 2015 ("DMPO") in that the development proposed a building comprising 9 flats with a floor area exceeding 1,000 square metres and so would fall under the definition of 'major development' as set out in Article 2 (d) of the DMPO. As a result the wrong publicity procedures had been followed. To rectify this procedural error, the application was publicised again in accordance with both statutory and local publicity requirements for major applications which entailed the re-advertisement of the application and erection of a site notice which triggered a new 21 day consultation period.

5. Legal advice also confirmed that re-publicising the application did not extend the time for Councillors to exercise the right to call-in because the Councils Constitution provides that Councillors must exercise this right within 28 days of the date an application is registered.

6. The Councils Constitution provides that Officers retain the discretion not to exercise their delegated authority. Due to the procedural error the public had lost an opportunity to ask their local members to call in the application for determination by the Planning Committee therefore it was considered appropriate to take the application to the Planning Committee to be determined by Members in view of the need for a fair and transparent planning process.

7. Nine further objections were received during the re-publicising of the application which did not raise any new material planning considerations. Therefore notwithstanding the updated NPPF it is considered that there have been no changes in material planning circumstances or policy since Officers recommended the planning application for approval subject to the satisfactory completion of a legal agreement and therefore the recommendation to Members is again one of approval subject to the satisfactory completion of a legal agreement as discussed below.

Principle of development

8. The site is located within the built-up area of Knotty Green where in accordance with Policy H3, proposals for new dwellings are acceptable in principle subject to there being no conflict with any other Local Plan policy. Proposals should be compatible with the character of those areas by respecting the general density, scale, siting, height and character of buildings in the locality of the application site, and the presence of trees, shrubs, lawns and verges. It is also noted that the site is adjacent to, but not within, an Established Residential Area of Special Character.

9. In addition, the spatial strategy for Chiltern District, in accordance with Policies CS1 and CS2 of the Core Strategy, is to focus development on land within existing settlements outside of the Green Belt and Area of Outstanding Natural Beauty. Limited development will take place in villages including Knotty Green.

10. It is also noted that this application follows application CH/2017/1455/FA for a block of 12 flats which was refused on the following grounds:

- The proposed development would appear cramped, out of character and would relate poorly to surrounding plots and buildings, appearing as an incongruous and poor form of development that would be unduly prominent and visually intrusive within the street scene which immediately abuts a designated ERASC. The proposal would therefore have a detrimental impact on the character and appearance of the locality.
- There is insufficient information in the submitted Sustainable Drainage Strategy to demonstrate that the proposed drainage scheme is viable.
- No Legal Agreement has been completed as part of the application so there are no mechanisms to provide the financial contribution required as part of the application.

11. To overcome these reasons for refusal, the applicant has amended the proposal so that the building has a reduced size and bulk and would now accommodate 9 residential units as opposed to 12. The appearance of the building has also been amended and the footprint is more in line with the two dwellings approved as part of CH/2015/2062/FA. Further information in regards to the SUDs scheme has also been submitted.

Design/character and appearance

12. There are a mix of properties in the area, including two storey detached properties of varying styles along the junction between Knottocks Drive and Penn Road, with larger detached properties being sited within spacious plots along the western side of Penn Road and blocks of flats of modest heights being located along the eastern side of Penn Road, and to the south of the application site.

13. The proposed building would have a side elevation onto Penn Road and front elevation facing onto Knottocks Drive which is characterised by detached dwellings set back from the road with large front gardens and established planting. Although there is spacing between dwellings, many of the properties are sited close to the boundaries, particularly at two storey level.

14. Although application CH/2017/1455/FA was refused on the grounds that it would be overly bulky and detrimental to the character of the street scene, in April 2015, an appeal was allowed which permitted the demolition of the existing dwelling and the erection of two large detached dwellings with accommodation in the roof space (application reference: CH/2014/0939/FA). In the appeal decision, the Inspector commented that: 'The surrounding area is character by detached dwellings of varying styles and designs. Along Knottocks Drive, dwelling plots are spacious due to their large garden size, especially to the front ... there is significant variation in building design and gaps between dwellings.'

15. Taking into account the previous refusal for a block of 12 flats and the upheld appeal decision for two residential dwellings, the scheme has been amended so that the proposed block would now be more comparable to the scale and bulk of the two approved dwellings. Although it would constitute one building, the design is such that it would appear as two separate buildings which are attached down the middle by a glazed link. This would enable the building to accommodate the provision of 9 flats as opposed to the previously approved scheme for two detached residential dwellings.

16. The proposal would now have a ridge height comparable to that of the previously approved dwellings, while the width and depth of the proposed building too would be comparable to that allowed for the two detached dwellings. The building would be characterised by a stepped roof ridge which would help to reduce its bulk and the reduction to the width would mean that there is now a more compact arrangement of built form on site in comparison with the previously approved scheme for two dwellings. The Inspector previously stated that: 'the proposal would result in two attractively designed dwellings of substantial size which individually would be approximately 9 metres in height and 14 metres in width. Their height and width would be less or similar to many dwellings in the vicinity within Knottocks Drive and Penn Road.' As the main roof ridge would equal the height of the previously allowed dwellings, and as the width would be approximately 3 metres less, this is considered to be acceptable. It is acknowledged that the previous scheme allowed for two detached dwellings which would have had spacing in between (of 2 metres) which would have reduced some of the bulk of the scheme, but this application proposes to separate the two 'wings' of the building by a glazed link with a height equal to the proposed eaves height. This glazed link would be of a modest height and simple form that would also help to break up the bulk of the scheme in terms of its visual impact from the street scene.

17. The proposed building would be set a minimum of 7.4 metres from the boundary with Penn Road, 26 metres from the boundary with Knottocks Drive and 17.4 metres away from the rear boundary with No. 74

Penn Road. It would also be sited on the same footprint as the previously approved dwellings but would be set slightly further away from the boundaries with the neighbouring properties than the two approved dwellings would have been. Accordingly, given the substantial plot size and the distance to the boundaries, the proposed building is considered to maintain the spacious character of the area as it does not appear cramped or result in an overdevelopment of the plot.

18. Taking into account the previous appeal decision which allowed for two large detached dwellings on site in addition to the reduction to the proposed building's scale and the introduction of a glazed link which visually separates the two 'wings' of the building, it is considered that the proposal would maintain the character of the area and no objections are raised to the proposal in relation to its impact on the character and appearance of the locality. The proposal would have a comparable footprint to the previously approved dwellings and the proposed siting and height would be similar also. In addition, the established planting around the site and design of the building in the context of a variety of buildings, including other blocks of flats along Penn Road, would further ensure that the proposal integrates with the existing pattern of development in the area.

Residential amenity

19. Policy GC3 of the Local Plan seeks to achieve good standards of amenity for the future occupiers of development and to protect the amenities enjoyed by the occupants of adjoining and neighbouring properties. In this respect, the most affected neighbouring property is No. 4 Knottocks Drive which is situated to the east of the application site, although it is also noted that neither the proposal for two detached dwellings on site or the previously refused proposal for a block of 12 apartments on site raised any objection in regards to loss of neighbouring amenity.

20. The proposed building would retain 5 metres from the flank wall of the neighbouring property and this remains unchanged from application CH/2017/1455/FA where this distance was considered acceptable. It is also noted that the Inspector previously stated that a separation distance of 5 metres 'would ensure no significant loss of privacy from its first floor windows which serve en-suites. Similarly, this separation would ensure no loss of outlook even taking into accounts its height.' As such, it remains that the proposal would not be overly overbearing to No. 4 Knottocks Drive. In terms of a loss of privacy, a privacy screen is proposed on the first floor balcony closest to this neighbour which can be secured by condition and the closest first floor windows and rooflights in the east flank elevation too would be obscurely glazed to prevent intrusion. This can be secured by way of a condition also. As such, no objections are raised with regard to the impact of the proposal on No. 4 Knottocks Drive.

21. In terms of the impact of the proposal on other neighbouring properties, it is considered that the distance between the proposal and other properties along Knottocks Drive and Penn Road is considered to be sufficient to prevent the proposal from appearing overbearing or intrusive to these properties. It is noted that the height and width would be less or similar to many dwellings in the vicinity of Knottocks Drive and Penn Road.

22. With regard to the amenities of the future occupiers of the apartments, Policy H12 of the Local Plan requires the provision of adequate communal amenity areas for new developments and recommends a standard of 40 square metres for 3 bedroom units. This proposal includes balconies and an outdoor amenity area which far exceeds this standard and, as such, is considered to be acceptable. A store for refuse and recycling is also proposed to the front of the building and its erection can be secured by condition.

Parking/highways implications

23. The parking standard in Local Plan Policy TR16 for dwellings or flats with a floor area which exceeds 120 square metres is 3 spaces, and the standard for dwellings or flats where the floor area is less than 120

square metres is 2 spaces. Based on these figures, the development has a parking standard of 27 spaces. As 28 spaces are to be provided, no objections are raised in regard to the level of parking provision. The Highway Authority has also confirmed that there is adequate space within the site for vehicles to manoeuvre into the spaces and exit the site in a forward gear.

24. With regard to the impact of the development on the highway network, the Highway Authority has confirmed that the additional vehicle movements from the development can be accommodated onto the local highway network and that visibility splays of 2.4 metres x 43 metres can be achieved within land owned by the applicant or within the extent of the publicly maintained highway.

25. The concerns of third parties in regards to highway safety are noted, however given the assessment of the Highway Authority, it is clear that the local highway network can accommodate the additional vehicular movements and adequate visibility splays can be achieved. The provision of adequate visibility splays and the parking arrangements can be secured by way of condition to ensure that they are provided in accordance with the approved plans.

Ecology

26. Policy CS24 of the Core Strategy states that the Council will aim to conserve and enhance the 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 118 of the NPPF which aims to conserve and enhance biodiversity.

27. In this respect, an ecology report has been submitted with the application and, in consultation with the County Ecologist, no objections are raised subject to a condition requiring the recommendations made within the report to be adhered to. It is also recommended that biodiversity enhancements are sought as part of a landscaping scheme.

Trees and landscaping

28. Local Plan Policy GC4 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 which are an important part of its character, such as ponds, should be retained.

29. In this regard, an arboricultural survey and Tree Protection Plan have been submitted with the application and in consultation with the Council's Tree and Landscape Officer, no objections are raised subject to conditions requiring the adequate protection of the retained trees.

Drainage

30. Policy CS4 of the Core Strategy seeks to ensure the long term sustainability of development and all new developments are expected to have regard to the sustainability principles set out in Table 1 of Policy CS4, including the assessment of surface water drainage impacts and the reduce risk of flooding in appropriate circumstances.

31. The previous application for a block of 12 residential units was refused in part on the grounds that there was insufficient information included in the Sustainable Drainage Strategy to demonstrate that the proposed scheme was viable. In order to overcome this reason for refusal, a more detailed strategy has been submitted as part of this application.

32. However, as the proposal has been reduced in scale so that only 9 units are proposed as opposed to 12, the SUDs Officer has not provided comments for this application. Nonetheless, it is apparent from the information submitted by the applicant that, following ground investigations, infiltration would not be feasible to manage surface water on the site and so it is proposed to discharge to the foul network. Provided that Thames Water has no objection to the connection, then no further objections are raised.

33. Accordingly, Thames Water has been consulted and they have advised that with regard to water network and water treatment infrastructure capacity, there is no objection. It is also recommended that the developer should take account of the minimum Thames Water pressure in the design of the proposed development.

Affordable housing

34. In accordance with Policy CS8 of the Core Strategy, there should be at least 2 affordable housing units on sites of 8 or 9 dwellings, unless there are exceptional circumstances which would justify an alternative to on-site provision. Paragraph 10.4 of the Core Strategy requires that there may be occasions where there are unsurmountable problems with securing on-site provision and alternatives may be suggested.

35. As part of the previous application, reference CH/2017/1455/FA, it was accepted that Hightown Housing Associate and L&Q Housing Association would not be interested in taking on affordable housing within the development and so it was concluded that a financial contribution would be necessary in lieu of on-site affordable housing provision. The amount calculated based on the approach agreed by the Council's Cabinet on 11th December 2012 and updated on 19th March 2013 was £729,300. As the applicant did not enter into a legal agreement to secure this financial contribution, the application was recommended for refusal on the basis that in light of no adequate mechanism to provide the required financial contribution, the application would be contrary to Policy CS8 of the Core Strategy.

36. Within this application, it is proposed to reduce the number of residential units from 12 to 9. Accordingly, the contribution towards off-site affordable housing provision would also be less than that which was previously required. Paragraph 63 of the revised NPPF (published 24th July 2018) states that the provision of affordable housing should not be sought for residential developments that are not major developments. For housing, major development (solely for affordable housing purposes) is defined in the glossary as a development comprising 10 or more homes, or where the site has an area of 0.5 hectares or more. In this case, the current application is for 9 residential units and the site has an area of 0.32 hectares. The total gross internal floor area (not including balconies and communal hallways) is approximately 1,900 square metres.

37. The NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses and states that decisions should support development that makes efficient use of land. As such, it is appropriate to consider whether the overall floor space of the development is capable of accommodating 10 homes or more to meet the NPPF threshold such that the affordable housing requirements set out in Policy CS8 of the Core Strategy should be applied.

38. In terms of establishing the potential number of homes that the proposed building could accommodate, it is considered that the National Technical Housing Standards published by the Department for Communities and Local Government (March 2015) should provide the benchmark for the unit sizes. The document provides internal space standards, including the appropriate gross internal floor area, for new dwellings. The standards are organised by storey height and deal separately with one storey dwellings (typically flats) and two and three storey dwellings (typically houses). The standards also provide a range to account for the number of bedrooms and bed spaces. In this case the relevant standards are those that apply to flats and the table below provides a summary of the range of floor spaces that are considered appropriate having regard to the number of bedrooms as well as an average for each type.

National Space Standards (DCLG 2015)

Number of Bedrooms Range
(square metres)
Average (square metres)

1	37 - 58	47
2	61-79	70
3	74-108	91
4	90-130	110
5	103-134	118
6	116-138	127

39. The proposed building would have a total gross internal floor area of approximately 1,900 square metres. Having regard to the above National Space Standards it is considered that 10 flats (to meet the NPPF threshold) could easily be accommodated within the proposed floor space without needing to increase the overall scale of the building or resulting in adverse planning impacts. It is therefore considered that Policy CS8 of the Core Strategy should be applied in this instance.

40. Policy CS8 of the Core Strategy states that on sites of 8 or 9 dwellings, 2 units of affordable housing should be provided, or in this case, as local affordable housing providers are not interested in taking on units in this development, based on the requirements set out in the Affordable Housing SPD and Council's Cabinet report of 11/12/2012, a financial contribution of £691,220 towards off-site affordable housing provision would be required. The Applicant has agreed to pay this financial contribution, which will be secured by way of a Legal Agreement, and so no objections are raised in this respect.

Conclusion

41. Based on the above assessment, the proposal is considered to adequately overcome the previous reasons for refusal. No new reasons of objection are raised and so the proposal is recommended for approval, subject to conditions and the completion of a Legal Agreement.

Working with the applicant

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.

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

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

Subject to the following conditions:-

1 C108A General Time Limit

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

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

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

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

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

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

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

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

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

- Construction access

- Management and timing of deliveries

- Routing of construction traffic

- Vehicle parking for site operatives and visitors

- Loading/off-loading and turning areas

- Site compound

- Storage of materials

- Precautions to prevent the deposit of mud and debris on the adjacent highway.

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

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

7 No development shall take place until a revised Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall clearly show the trees and hedges to be retained and those to be removed, along with the positions of tree protection fencing, no-dig construction within the root protection areas of the retained trees, including T8 Scots pine, and any other appropriate tree protection measures. Before any other site works commence on the development hereby permitted this tree protection fencing 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 the enclosed areas there shall be no construction works, no storage of materials, no fires and no excavation or changes to ground levels. The tree protection measures shall then be implemented in accordance with the details in the approved plan.

Reason: To ensure that the existing established trees and hedgerows within and around the site that are 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.

8 No tree or hedge shown to be retained on the Tree Protection Plan approved under condition 7 shall be removed, uprooted, destroyed or pruned for a period of five years from the date of implementation of the development hereby approved without the prior approval in writing of the Local Planning Authority. If any retained tree or hedge is removed, uprooted or destroyed, or dies during that period, another tree 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.

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

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

10 The bin store for the residential units hereby permitted shall be implemented in accordance with the approved plans prior to the occupation of the residential units and shall thereafter be permanently retained for that purpose.

Reason: To ensure that the occupiers of the residential units hereby permitted have space to store waste, so that the development does not appear cluttered, in accordance with policies GC1, GC3 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

11 Prior to the initial occupation of each of the residential units as shown on the approved plans, the balconies for each unit shall be provided in accordance with the approved plans. The balconies shall thereafter be permanently retained in that condition.

Reason: To ensure that the occupiers of the residential units hereby permitted have access to outdoor amenity space, in accordance with policies GC3 and H12 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

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

13 The obscurely glazed windows in the east and west side elevations as shown on the approved plans of the building hereby permitted will remain obscurely glazed.

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.

14 Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Classes A - E of Part 1 of Schedule 2 to the said Order shall be erected or constructed 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, in accordance with policies GC1 and H3 of The Chiltern District Local Plan Adopted 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.

15 The recommendations made in the Ecological Report dated 9 October 2017 and submitted by AA Environmental Limited to the Local Planning Authority shall be adhered to in full.

Reason: To ensure adequate protection for biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion of biodiversity, in accordance with Policy CS24 of the Core Strategy for Chiltern District - Adopted November 2011 and the NPPF.

16 AP01 Approved Plans

INFORMATIVES

1 INFORMATIVE: It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development should therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.

2 INFORMATIVE: The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the appropriate Water Authority may be necessary.

3 INFORMATIVE: The Applicant is advised that 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.

4 INFORMATIVE: No vehicles associated with the building operations on the development site should 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.

5 INFORMATIVE: A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 0203 577 9483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed online.

CH/2018/0582/FA

Case Officer: Kirstie Elliot
Date Received: 28.03.2018
Parish: Little Chalfont
App Type: Full Application
Proposal: Change of use of ground and first floor to A3 Use Class Restaurant with associated alterations to shop front, installation of extract flue/ducting/housing (retrospective).
Location: Little Istanbul
Nightingales Corner
Little Chalfont
Buckinghamshire
HP7 9PY
Applicant: Mr Siddik Kocak
Decide by Date: 16.11.2018
Ward: Little Chalfont

SITE CONSTRAINTS

Article 4 Direction
Adjacent to A and B Road
Adjacent to C Road
Adjacent to Unclassified Road
Bovingdon Technical Radar Zone
A and B Roads
Townscape Character
Shopping Area, not PSF

CALL IN

Cllr Phillips has requested that the application be called into committee for determination regardless of the officer recommendation due to the level of interest in the application.

SITE LOCATION

The application site comprises a part single/part three storey, mid terrace building located on Nightingales Corner, close to the junction of Burtons Lane/Chalfont Station Road. Nightingales Corner comprises a mix of commercial properties on the ground floors and residential on the floors above. The previous use of the ground and first floor was for A1 purposes, with the sales floor located on the ground and ancillary office on the first floor. There is a residence occupying the second floor which has its own access from street level.

THE APPLICATION

The current application seeks retrospective planning permission for use of the entire ground floor and first floor as a restaurant (use Class A3), alterations to the shop front comprising the insertion of an additional door to the southern part of the building and the installation of extract ducting which runs along the flat roof of the single storey part of the building before rising up against the side elevation of the three storey part of the building.

RELEVANT PLANNING HISTORY

CH/2013/0067/FA - Change of use of part of ground floor from Use Class A1 (Shop) to Use Class A3 (Restaurant) with associated new shop front and extract ducting/flue/housing. Conditional permission granted, condition 3 of which states:

The proposed Class A3 Use hereby permitted shall be limited to the area shown on drawing number P5 received by the Council on 14th January 2013 and shall not at any time extend into the retained Class A1 retail shop.

Reason: In order to maintain the vitality and viability of the Local Shopping Centre.

Permission not implemented and has now lapsed.

CH/2013/0629/FA - Change of use of ground and first floor of building from Use Class A1 (Shop) to Use Class A3 (Restaurant) with associated new shop front and extract ducting/flue/housing. Permission refused, contrary to Policy S7 of the Local Plan (loss of retail unit).

CH/2014/1318/FA - Change of use of ground and first floor of building from Use Class A1 (Shop) to Use Class A3 (Restaurant) with associated new shop front and extract ducting/flue/housing. Permission refused, contrary to Policy S7 of the Local Plan (loss of retail unit).

PARISH COUNCIL

Objection - wish to encourage and maintain a variety of shops in the village, the centre of which has an excessive proportion of eating establishments. The Parish Council does not want to lose more of the large and attractive Class A1 (shop) premises in the village. There is no justification (apparent or claimed) for a potentially 118 seater restaurant in the village. In the event planning permission is granted the Parish Council requests that this should be conditional on the enforcement of the requirements specified in the environmental health report regarding extraction and sound insulation.

REPRESENTATIONS

Although not required, the applicant's agent has submitted a short Design and Access Statement.

The applicant's agent has also submitted account details from Companies House as evidence that the previous business was not 'making a lot of profit'.

CONSULTATIONS

Bucks County Council Highway Authority:

No objections and no conditions to include on any planning consent.

Environmental Health:

No complaints recorded however, this does not preclude the possibility of future complaints.

In order for the applicant to demonstrate the acoustic impact of the installation is unlikely to result in noise nuisance it is recommended that an acoustic report, produced in accordance with British Standard 4142 2014 be submitted in support of this application.

Odour impact - insufficient information provided within the application which specifically considers the extent to which odour mitigation is required. This is largely determined by the specific catering activity and applicant is therefore advised to provide full details in relation to this together with an appropriate risk assessment as per best practice. This risk assessment should indicate to what extent any odour mitigation is required within the ventilation system and suitable proposal put forward in line with this outcome.

Conclusion - from an Environmental Health viewpoint, it is not currently possible to recommend approval of the proposed kitchen filtration and ventilation systems specification and further information is required from the applicant in order to do so. However, if these details cannot be obtained prior to determination and the application is granted, conditions recommended.

POLICIES

National Planning Policy Framework (NPPF)

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GC7, S7, S11, TR11 and TR16

EVALUATION

1. By way of background, notwithstanding the 2013 planning permission (ref: CH/2013/0067/FA) for the change of part of the ground floor from Use Class A1 to Use Class A3, in 2015 the current A3 restaurant opened occupying the entire ground floor of the property. The applicant advised that he understood he could change the use of the A1 part of the building to use for A3 purposes as permitted development under the then newly introduced temporary flexible uses afforded by Class D of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015.
2. Planning enforcement officers were of the view that by reason the former A1 part formed part of the larger A3 use of the ground floor building and was created as one single operation, the 2013 planning permission had not been implemented and as such the entire use of the ground floor for A3 purposes was unauthorised and 'permitted development' rights could not be claimed for the change of use of part of the building to form an integral part of that A3 use and taken together, the use of the entire ground floor would fail to comply with the conditions and limitations of Class D.
3. However, planning enforcement officers considered the fall-back permitted development position in that if remedial works were undertaken to cease the unauthorised use of the ground floor and then the 2013 planning permission was implemented to create an A3 unit in the southern part of the building and the northern part used for A1, it would then be possible under the aforementioned Class D permitted development rights to change the use of the A1 unit to a separate A3 unit with the result being the same (i.e. loss of all A1 floorspace, albeit for a temporary period). By reason the temporary flexible use right allows for a temporary 2-year period of use, planning enforcement officers considered it not expedient to take any enforcement action in respect of the unauthorised use at that time.
4. The use of the ground and first floor of the building for A3 purposes as a restaurant (the first floor is used for purposes ancillary to the restaurant and for this reason would be regarded as A3 under the Use Classes Order) has continued since 2015. The current application seeks to regularise this position as a means of remedying the breach of planning control.
5. It is noted that the application form submitted with the application describes the previous use of the application site as Use Class A2 (financial and professional services) By way of clarification, prior to the unauthorised change of use to the current A3 use the application site was used for the retail sale of rugs to the public such a use falling within the A1 Use Class, the A1 use being referenced in the previous planning applications relating to the site. Accordingly, the current application has been assessed with reference to its previous A1 use.

Principle of development

6. The application site is located within the Local Shopping Centre of Little Chalfont, wherein Policy S7 aims to balance the proportion of Class A1 shop uses in order to protect the shopping function and character of the centre whilst enabling other services and facilities to be provided. The policy allows for the change of use to or between non-Class A1 uses where the Council considers that the proposed use will make a positive contribution to, or will not detract from, the vitality and viability of that part of the shopping centre in which the development is located. The policy continues to provide 7 criteria the Council will consider in assessing applications.

7. Nightingales Parade comprises 24 units (counting the application site as two units and including the 2 units located on Burtons Lane to the south but separated by the access to the rear service area). If the 2013 planning permission had been implemented this would have resulted in 9 of the 24 units being in A1 use (37.5%). The current use of the site leads to there being 8 units in A1 use (33.3%). Within the parade, 5 of the 24 units are in A3 use (including the current use of the application site). This amounts to 20% in A3 use. Isolating the frontage in which the application site is located (eastern side of Nightingales Corner), the application site has non-A3 uses either side and indeed no A3 uses in the units to the south and 1 to the north ('Koho' which was granted planning permission for change of use to A3 under reference CH/2014/1593/FA). As such, whilst it is accepted that the majority of units are in non-A1 use, it is not considered that there is a concentration or indeed domination of A3 uses but that the parade offers a range of services, goods and facilities.

8. In the previous refusals of planning permission for the change of use of the entire ground floor for A3 purposes, concern was raised in respect of the prominence of the application site. However, as this is a retrospective application the actual impact is such that the dominance of the building within the frontage is actually due to its height, being taller than the buildings either side. Although the ground floor frontage may measure a greater width than some of the units, it is visually comparable in size and symmetry of the 'Pharmacy' immediately to the north such that the premises is not overly prominent in the frontage or indeed the parade.

9. Notwithstanding the 7 criteria listed in policy S7, at the heart of policy S7 is the vitality and viability of the local shopping centre as a whole, indeed this was the approach taken by the Inspector in the 2005 appeal decision (ref: APP/X0415/A/05/1179185) allowing the change of use of 1 Nightingales Corner from A1 (travel agent). The character profile of the Little Chalfont Local Shopping Centre is described as trading predominantly in food and convenience goods, relying on the local population to make regular visits and depending mostly on providing adequate shops and convenient parking facilities to meet frequent 'top up' shopping trips of the local population. In viewing the local shopping centre as a whole (as identified on Local Plan Policies Map - Little Chalfont Inset) there are 57 units of which 28 are currently in A1 use (49%). As such, the 'about 50%' split of A1 and non-A1 uses is maintained in the local shopping centre (including the current A3 use of the application site). Further, visits to Little Chalfont confirm there is a well-balanced mix of uses in the local shopping centre offering a range of goods and services such that the centre remains an active and vibrant shopping centre. As such, in considering the impact of the development on the local shopping centre as a whole there is no evidence that the use of the application site for the past three years for A3 purposes has detrimentally affected the vitality and viability of the local shopping centre. Further, the approved redevelopment of the site located to the east of Chenies Parade and the (VW) garage building is to include a mix of A1, A2 and D1 uses on the ground floor (most recent planning permission reference CH/2017/1832/FA) thereby adding to the number of units in the local shopping centre and ultimately to the vitality and viability.

Design/character & appearance

10. The external alterations that have been made to the building by virtue of the shopfront and the installation of the extract duct are not materially different to the details that were approved under the 2013

planning permission. The installation of the shopfront and extract do not detract from the appearance of the building and are not dominating features of the building or the parade of which it forms a part.

Residential amenity

11. There are residential flats located above and to the north side of the application site. The Council's Environmental Health Officers have advised that they have received no noise/odour complaints in respect of the site since the A3 has been operating. Notwithstanding this, and despite requests, no acoustic report or ventilation/filtration equipment has been submitted. As such, in accordance with the comments of Environmental Health, it is reasonable and necessary to require details of the existing system via condition. Furthermore, given the proximity of neighbouring residential properties it is both reasonable and necessary to control the hours of operation of the use, as per the 2013 planning permission.

Parking/Highway implications

12. The comments of the County Highway Engineer are noted in that no objection to the application is raised and no conditions considered necessary given the sustainable village centre location and the proximity of public parking.

Conclusions

13. The application site is located within a local shopping centre wherein the policies of the development plan seek to protect the vitality and viability of that shopping centre. Whilst the development under consideration is not in strict accordance with one of the assessment criteria of the relevant policy (S7), given that the development has existed for three years there is no evidence that the actual change of use of the site has had a negative impact on the vitality and viability of the local shopping centre and further it continues to be a vibrant and active centre offering a balanced mix of goods, services and facilities as per its character profile.

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

- 1 The use hereby permitted shall not be open to customers outside the following times:
09.00 - 23.00 hours Monday to Saturday
09.00 - 22.30 hours on Sundays and bank holidays.

Reason: In the interests of the amenities of nearby residential properties, in accordance with Policy GC3 of the The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011

- 2 No delivery or collection vehicles shall service the site outside the following times:
09.00 - 23.00 hours Monday to Saturday
09.00 - 22.30 hours on Sundays and bank holidays.

Reason: In the interests of the amenities of nearby residential properties, in accordance with Policy GC3 of the The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011

- 3 The operation of all fixed plant and equipment associated with air moving equipment, refrigeration, compressors or equipment of a like kind within or associated with the use of the ground and first floor of the building hereby permitted, shall not exceed a noise level of 5 dB(A) below the existing Background Levels, or

10 dB(A) if there is a particular tonal quality at any time when calculated or measured in accordance with British Standard 4142 2014, received at one metre from the nearest residential properties.

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

4 Within 2 months of the date of this permission, works shall be undertaken to fix the existing mechanical kitchen extract ductwork, fans and silencers with anti-vibration mountings. These mountings shall thereafter be permanently retained and maintained.

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

5 Within 2 months of the date of this permission, details of the specific catering activity undertaken by virtue of the use hereby permitted together with an appropriate risk assessment to include the extent to which any odour mitigation is required within the existing ventilation system and how this will be achieved shall be submitted in writing to the local planning authority. Any alterations or remedial works required to be undertaken to the existing ventilation system as identified in the submitted details shall be undertaken within 2 months of the date of the approval of these details. The ventilation system shall thereafter be retained and maintained in accordance with the approved details.

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

6 AP01 Approved Plans

PL/18/3418/VRC

Case Officer: Emma Showan
Date Received: 17.09.2018 Decide by Date: 26.11.2018
Parish: Coleshill Ward: Penn And Coleshill
App Type: Variation or Removal of a Condition
Proposal: Variation of Condition 8 of planning permission PL/18/2622/VRC (Redevelopment of site to provide two detached dwellings with new vehicular access CH/2017/0246/FA)

Location: Bowers Croft
Magpie Lane
Coleshill
Buckinghamshire
HP7 0LS

Applicant: Hitchambury Homes

SITE CONSTRAINTS

Article 4 Direction
Adjacent to C Road
Area Special Adv. Control
Within Chilterns AONB
Within Green Belt other than GB4 GB5
Overhead Cables
GB settlement GB4,6,12,23,H7,13,19

CALL IN

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

SITE LOCATION

The application site is located on the south-western side of Magpie Lane on the southern edge of the rural village of Coleshill. It is situated within a row of 5 detached dwellings, defined in Policy GB4 of the Local Plan, and within the Chilterns Area of Outstanding Natural Beauty (AONB).

THE APPLICATION

This application proposes to vary condition 8 of planning permission PL/18/2622/VRC (redevelopment of site to provide two detached dwellings with new vehicular access CH/2017/0246/FA).

Condition 8 states that the development should be erected in accordance with the approved plans.

It is proposed to amend the approved plans in order to incorporate a single pitched roof dormer in the front elevation of each of the approved dwellings. It is noted that the two dwellings already have a pitched roof dormer in their rear elevations and habitable accommodation in their roof spaces.

The proposed dormers will have a maximum width of 1.7 metres and height of 2.2 metres. They would be set above the eaves and below the main ridge line.

RELEVANT PLANNING HISTORY

PL/18/2622/VRC - Variation of condition 8 of planning permission CH/2017/0246/FA to allow changes to the fenestration and roofs of the approved new dwellings, conditional permission.

CH/2018/0152/NMA - Application for a non-material amendment to planning permission CH/2017/0246/FA (redevelopment of site to provide two detached dwellings with new vehicular access (amendment to planning permission CH/2016/1640/FA)), accepted.

CH/2017/0246/FA - Redevelopment of site to provide two detached dwellings with new vehicular access (amendment to planning permission CH/2016/1640/FA), conditional permission.

CH/2016/1640/FA - Redevelopment of site to provide two detached dwellings and new access, conditional permission.

PARISH COUNCIL

Objection - For the reasons under Policies GC1, GC3, specifically 3.10 a loss of privacy, also because of GB2 (c) 'The limited extension, alteration or replacement of existing dwellings in accordance with Policies GB6, GB7 etc.' Also that it is not in keeping with the street scene of a rural lane with no other intrusive dormer windows in evidence.

REPRESENTATIONS

One letter of objection received at time of drafting report which can be summarised as follows:

- Proposed dormer windows will look into and over the property at The Spinney, impacting on privacy
- Proposal would not be in keeping with the adjacent houses

CONSULTATIONS

None relevant.

POLICIES

National Planning Policy Framework, 2018 (NPPF)

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC2, GC3, GB2, GB4, LSQ1, H11, H12, H18, TR2, TR11 and TR16.

Chilterns Buildings Design Guide, February 2010.

EVALUATION

Principle of development

1. This application is submitted under Section 73 of the Town and Country Planning Act 1990 as outlined above, seeks a variation of condition 8 of planning permission PL/18/2622/VRC. In determining this application the National Planning Practice Guidance states that Local Planning Authorities should, in making their decisions, focus their attention on national or local policies or other material considerations which may have changed significantly since the original permission.

2. In this instance, the application site is located within an existing row of dwellings and other substantial buildings as defined on the Proposals Map and as listed in Local Plan Policy GB4. In accordance with this

Policy, the Council will accept limited infilling which is defined as the construction of one or two dwellings in a small gap in an existing row of dwellings and other substantial buildings, which form an otherwise fully developed frontage to a road. New infill developments must also meet three other criteria which states that the width of the development site must be closely similar to the width of existing adjoining sites as measured along the row of dwellings, the curtilage for each dwelling must be of a size and shape comparable to existing adjoining development, and the siting, scale and appearance of each dwelling should be compatible with the character of existing dwellings in the vicinity of the development site. This is supported by Paragraph 145 of the NPPF which also allows for limited infilling in villages as an acceptable form of development in the Green Belt.

3. It was previously considered as part of a number of applications (CH/2016/1640/FA, CH/2017/0246/FA and PL/18/2622/VRC) that the development of two houses on this site would be acceptable and permission has been granted. The latter planning permission, PL/18/2622/VRC, has been implemented and the dwellings are currently under construction. Therefore, there remains no objection in principle to the erection of two dwellings on this site.

4. It is noted that the Parish Council has referred to Local Plan Policy GB2 as part of their reason for objecting to this application. It is stated that this current application is not in-keeping with the provisions of this Policy which allows only for the limited extension, alteration or replacement of existing dwellings. Both this application and the previous applications on site do not concern alterations to an existing dwelling, but concern the replacement of one dwelling and the erection of a second. It has already been set out above that infilling is an acceptable form of development in villages in the Green Belt. Nonetheless, in the event that the properties had already been built, given that they are sited within a Defined Row of Dwellings in the Green Belt, then in accordance with Policy GB4, extensions to existing dwellings are acceptable in principle.

5. Furthermore, given that there have been no significant changes to national or local policies and no material changes since the granting of planning permission than the principle of development remains acceptable and it is only necessary to establish whether the changes proposed to the appearance of the new dwellings would be acceptable and would comply with the relevant policies set out in the Local Plan.

Design/character & appearance

6. It is proposed to vary the approved plans condition of PL/18/2622/VRC to allow for the erection of a single pitched roof dormer in the front elevation of each of the approved dwellings. Rear dormers have already been approved at the two dwellings and there would be no changes to the internal layout of the habitable accommodation approved within the roof space. In GB4 locations, extensions to existing dwellings are acceptable in principle and so, in principle, once the dwellings have been completed, the addition of dormers could be acceptable.

7. In terms of the appearance of the dormers, they would be pitched and would be sited centrally within their respective roof slopes. Local Plan Policy H18 states that dormer windows will be permitted where they are designed to respect the scale, proportions, existing windows and other features of the external appearance of the roof and elevation in which the dormer window(s) would be constructed. In this case, the dormers are considered to be small and appropriately sited so that they do not dominate the external appearance of the roof. They are also considered to be in keeping with the appearance of the host properties. In terms of the impact of the dormers on the street scene, it is noted that the adjacent properties do not have second floor dormers. However, other properties within the village of Coleshill have second floor dormers (including Mount House, Bramble Cottage and Wellside, all along Village Road) and given the modest size of those proposed, they are considered to be acceptable. In addition, given that the dwellings adjacent to the application site are large themselves, it is not considered that the addition of dormers would result in two new

dwellings that are overly large, bulky or prominent in relation to their neighbours. It is therefore considered that the impact on the street scene is acceptable.

Residential amenity

8. Given the siting of the proposed front dormers, they are not considered to have a detrimental impact on the amenities of either adjacent neighbouring property. A letter of objection has been received from the occupiers of The Spinney raising concern that the proposed front dormers would result in overlooking into their front habitable rooms. Whilst this concern is noted, The Spinney is not located directly opposite the application site and in excess of 40 metres would separate the two plots. Any views from the proposed dormers would be oblique and would be interrupted by Magpie Lane and the mature vegetation along the north side of the highway. There are no other properties directly opposite that would be affected to a detrimental degree as result of the proposal. It is therefore considered that the relationship between the proposed dormers and the neighbouring properties would be acceptable and there would be no loss of amenity.

Parking/Highway implications

9. The proposal would have no adverse parking implications, having regard to the Council's standards.

Working with the applicant

10. In accordance with Chapter 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

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

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

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

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 The development to which this permission relates must be begun before the expiration of 1st June 2020.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.

2 Prior to the occupation of the dwelling on plot 2, the new means of access shall be sited and laid out in accordance with the approved drawing, and visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway, in accordance with Policies TR2 and TR3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations

adopted 29 May 2001) consolidated September 2007 and November 2011 and Policies CS25 and CS26 of The Core Strategy for Chiltern District, Adopted November 2011.

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

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

4 The boundary treatments shown on the approved plans shall be erected/constructed prior to the occupation of the dwellings hereby permitted and thereafter retained in situ.

Reason: To protect, as far as possible, the character of the locality and amenities of residential properties, in accordance with policies GC1, GC3, LSQ1 and GB4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011).

5 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 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 side elevations 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.

6 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 1 of Schedule 2 to the said Order shall be erected within the application site unless planning permission is first granted by the Local Planning Authority.

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

7 Before the first occupation of the dwellings hereby permitted the two rooflights approved as part of this application (south flank roof elevation of Plot 1 and north flank roof elevation of Plot 2) serving the second floor bathrooms and the sides of the first floor rear elevation bay windows shall be fitted with obscured glazing and be fixed shut. These windows shall be permanently retained in that condition thereafter unless agreed in writing by the Local Planning Authority.

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 AP01 Approved Plans

The End