

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

Telephone: 01494 729000 **DX:** 50711

Fax: 01494 586506

Website: www.chiltern.gov.uk

Email: info@chiltern.gov.uk



CHILTERN
District Council



Planning Committee

Thursday, 20th December, 2018 at 6.00 pm *

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

* Please note the earlier start time

A G E N D A

- 1 Evacuation Procedure
- 2 Apologies for Absence
- 3 Minutes
To approve the minutes of the Planning Committee held on 22 November 2018.
- 4 Declarations of Interest
- 5 Items for Noting
 - 5.1 New Planning and Enforcement Appeals
 - 5.2 Appeal Decisions
 - 5.3 Withdrawn Applications
 - 5.4 Information Regarding Planning Applications to be Determined

- 6 Report on Main List of Applications

Ashley Green **APPLICATION WITHDRAWN**

~~PL/18/2761/FA Ward: Ashley Green Latimer And Chenies Page No: 03~~

~~Recommendation: Conditional Permission~~

**~~Thorne Barton Hall, Chesham Road, Ashley Green, Buckinghamshire,
HP5 3PQ~~**

Chalfont St Peter

PL/18/3069/FA Ward: Austenwood Page No: 16

Recommendation: Refuse permission

**Chalfont Park, Chalfont St Peter Bypass, Chalfont St Peter,
Buckinghamshire, SL9 0QA**

Chesham

PL/18/3329/FA Ward: St Marys And Waterside Page No: 24

Recommendation: Refuse permission

Rowan Farm, Hollow Way Lane, Chesham, Buckinghamshire, HP5 1TJ

Chalfont St Giles

PL/18/3406/OA Ward: Chalfont St Giles Page No: 32

Recommendation: Conditional Permission

**Site Of Former, The Miltons Head Public House, 20 Deanway, Chalfont
St Giles, Buckinghamshire, HP8 4JL**

Great Missenden

PL/18/3410/OA Ward: Ballinger South Heath And Chartridge Page No: 50

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

**Stepping Stones, Ballinger Road, South Heath, Great Missenden,
Buckinghamshire, HP16 9QH**

Penn

PL/18/3413/FA Ward: Penn And Coleshill Page No: 63

Recommendation: Conditional Permission

Davos, 1 Pitch Pond Close, Knotty Green, Buckinghamshire, HP9 1XY

Recommendation: Conditional Permission

Spinelle, Narcot Lane, Chalfont St Giles, Buckinghamshire, HP8 4DX

7 Exclusion of the Public (if required)

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

Date of next meeting – Thursday, 17 January 2019

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

Membership: Planning Committee

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

If you have any queries concerning public speaking at Planning Committee meetings, including registering your intention to speak, please ask for the Planning Committee Co-ordinator 01494 732950; planning@chiltern.gov.uk. Further information is also available from: www.chiltern.gov.uk/planning/committee

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CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the **PLANNING COMMITTEE** held on **22 NOVEMBER 2018**

PRESENT: Councillor D Phillips - Chairman
" M Titterington - Vice Chairman

Councillors: J Burton
J Gladwin
M Harrold
P Jones
S Patel
N Rose
J Rush
J Waters
C Wertheim

APOLOGIES FOR ABSENCE were received from Councillors C Jones and J MacBean

35 MINUTES

The Minutes of the meeting of the Planning Committee held on 1 November 2018, copies of which had been previously circulated, were approved by the Committee and signed by the Chairman as a correct record.

36 DECLARATIONS OF INTEREST

Councillor J Rush advised that whilst working as a part-time teacher at Gayhurst School his wife had taught a pupil who was a son of the applicant for Stampwell Farm, planning applications CH/2017/1039/FA and CH/2017/1044/HB, but this was not a personal or prejudicial interest

37 ITEMS FOR NOTING

RESOLVED -

That the reports be noted.

38 REPORT ON MAIN LIST OF APPLICATIONS

RESOLVED -

1. **That the planning applications be determined in the manner indicated below.**
2. **That the Head of Planning and Economic Development be authorised to include in the decision notices such Planning Conditions and reasons for approval, or reasons for refusal as appropriate, bearing in mind the recommendations in the officer's report and the Committee discussion.**

APPLICATIONS

CH/2017/1039/FA Stampwell Farm, Oxford Road, Gerrards Cross, Buckinghamshire, HP9 2XD

The meeting was advised of one further letter of support being received from a contractor that had worked for the Church at another site.

A further letter had been received from Troy Planning and Design on behalf of Chalfont St Peter Parish Council detailing a number of concerns including the impact on the Green Belt, Heritage implications and enabling development, design and landscape, use and sustainability.

It was also noted that Councillor Wertheim had forwarded an email to all Members attaching information he had received directly from the applicant's agent, which did not raise any new material consideration not already addressed in the Officer Report.

Speaking for the Parish Council, Councillor Hazel North
Speaking for the application, Rev Dr Francis Orr-Ewing

RESOLVED

Permission Refused with amendments to the wording of Reason 1 to make reference to the scale of development proposed including reference to the 8 houses, church, additional buildings and car park. Also an addition to Reason two to include reference to Policy GB2.

An addendum report was circulated by officers to

Members of the Planning Committee in advance of the meeting providing additional clarification on the Green Belt issues as set out in the Case Officer report and also in respect of the unauthorised development currently on site.

It was drawn to members attention that if they were minded to refuse planning permission, given that there are currently unauthorised uses on the site, in terms of the D2 uses of the three buildings the subject of the lapsed temporary permission and other structures including a substantial marque currently used to provide a church, it is considered necessary to consider formal action.

Whilst it is acknowledged that the application includes proposals beyond the current unauthorised development in that it does not include the new building works to replace that destroyed by fire nor the 8 new houses, the change of use and additional structures particularly in the form of the marque is inappropriate development in the Green Belt and has impact on the Green Belt and its openness as well as detracting from the setting of the listed building. Further in the absence of highway improvements, the level of activity is considered detrimental to highway safety.

The Committee noted that unauthorised development was taking place on the site and noted that the Head of Planning and Economic Development has delegated authority given to officers to take enforcement action under the Constitution and officers would now be seeking to address the unauthorised development as considered necessary by the Head of Planning and Economic Development and having regard to any applicable statutory time-limits.

CH/2017/1044/HB

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

The meeting were advised that Troy Planning & Design had submitted further representations on behalf of the Parish Council that referred to the Council's powers to

serve urgent works notices in respect of historic buildings.

Speaking for the Parish Council, Mr Luke Smith
Speaking for the application, Lucie Stone

RESOLVED

Conditional Consent

Councillor P Jones left the meeting at 7.50 pm

CH/2018/0480/FA Newbury House, 2 Knottocks Drive, Knotty Green,
Buckinghamshire, HP9 2AH

The meeting were referred to a letter from the applicant's agent circulated to all members and referred to procedural issues in respect of the application. The Head of Legal and Democratic Services clarified that there had been no previous resolution of the Council to grant permission for this application. The applicant's agent was referring to a delegated office report recommending conditional approval subject to prior completion of a planning obligation agreement. But delegated authority had not been exercised by the Director of Services before the application was re-publicised as a major application.

Speaking for the Parish Council, Councillor Kate Dicker
Speaking for the objectors, Mr Peter Wilde
Speaking for the application, Mr Rob Clarke, the applicant.

RESOLVED

Permission Refused for the following reason:

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. The design of the glazed link creates a frontage out of character with the street scene.

CH/2018/0582/FA Little Istanbul, Nightingales Corner, Little Chalfont, Buckinghamshire, HP7 9PY

RESOLVED

Conditional Permission subject to an additional condition requiring the submission of an acoustic report.

PL/18/3418/VRC Bowers Croft, Magpie Lane, Coleshill, Buckinghamshire, HP7 0LS

RESOLVED

Permission Refused for the following reason:

The dormer would appear out of character with the area, contrary to Policies GC1 and H18.

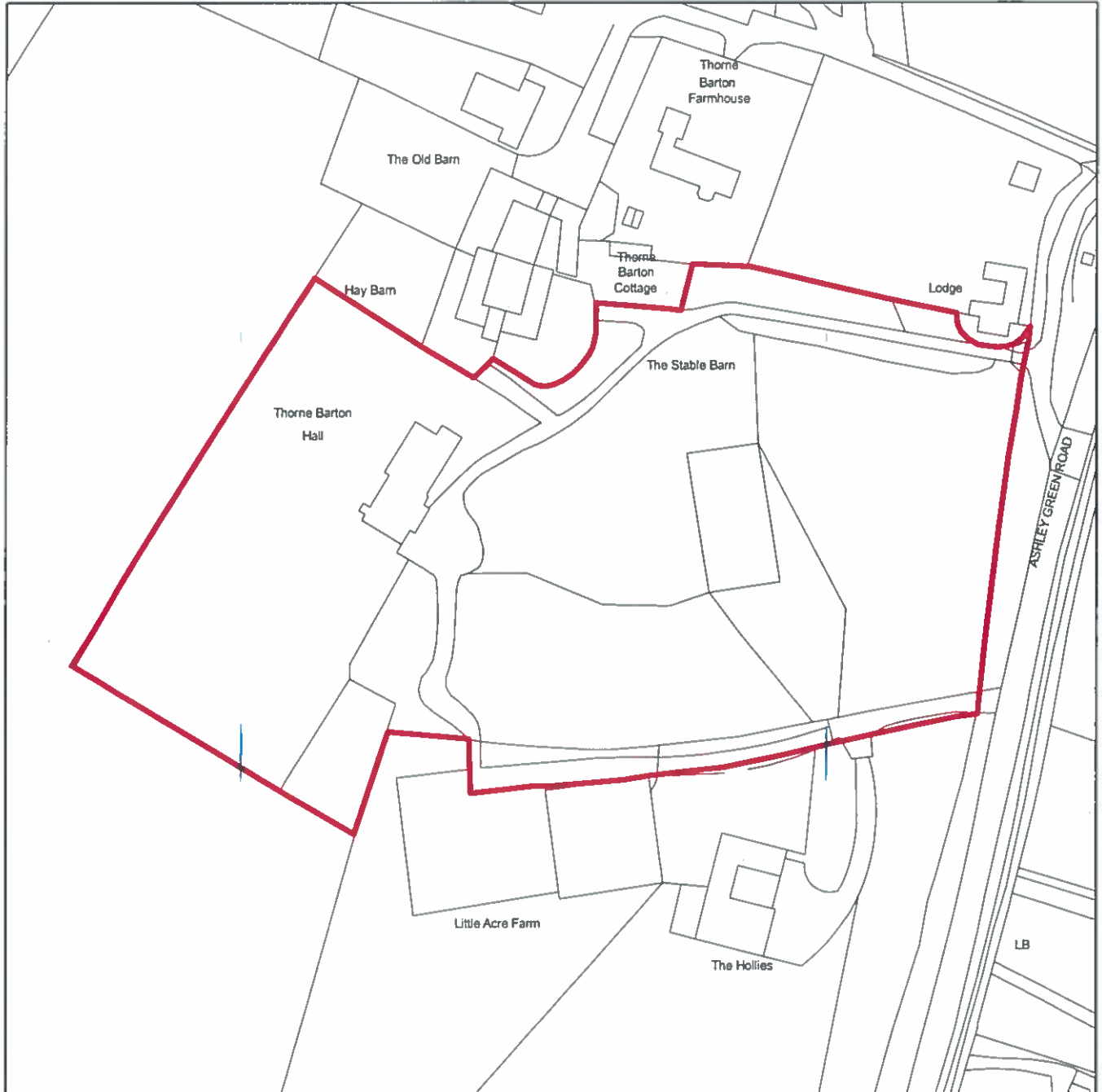
The meeting ended at 8.54 pm

PL/18/2761/FA

Thorne Barton Hall, Chesham Road, Ashley Green
Buckinghamshire HP5 3PQ



CHILTERN
District Council



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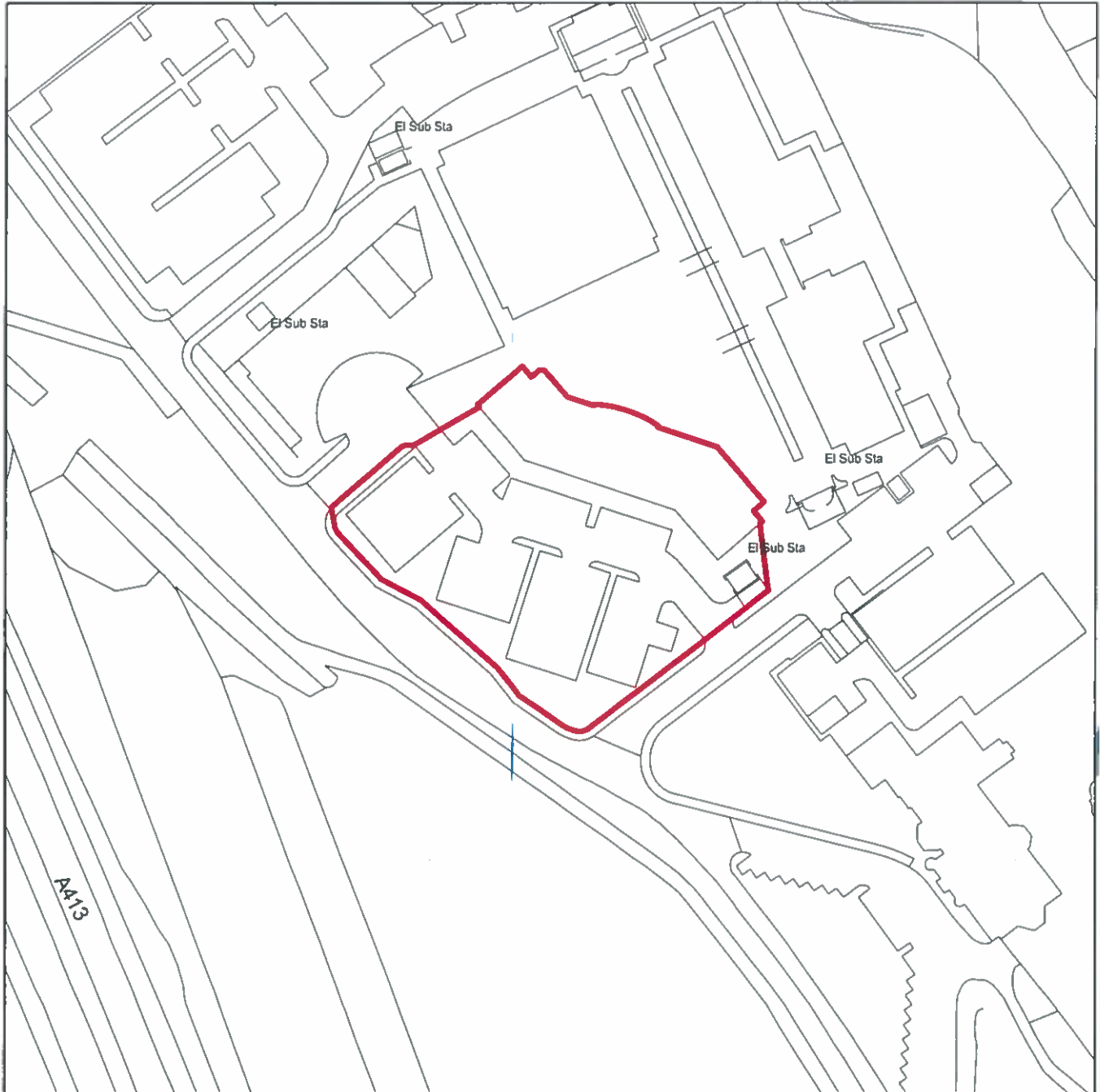
Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578.2016

PL/18/3069/FA



CHILTERN
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Chalfont Park, Chalfont St Peter Bypass, Chalfont St Peter
Buckinghamshire SL9 0QA



Scale: 1:1,250

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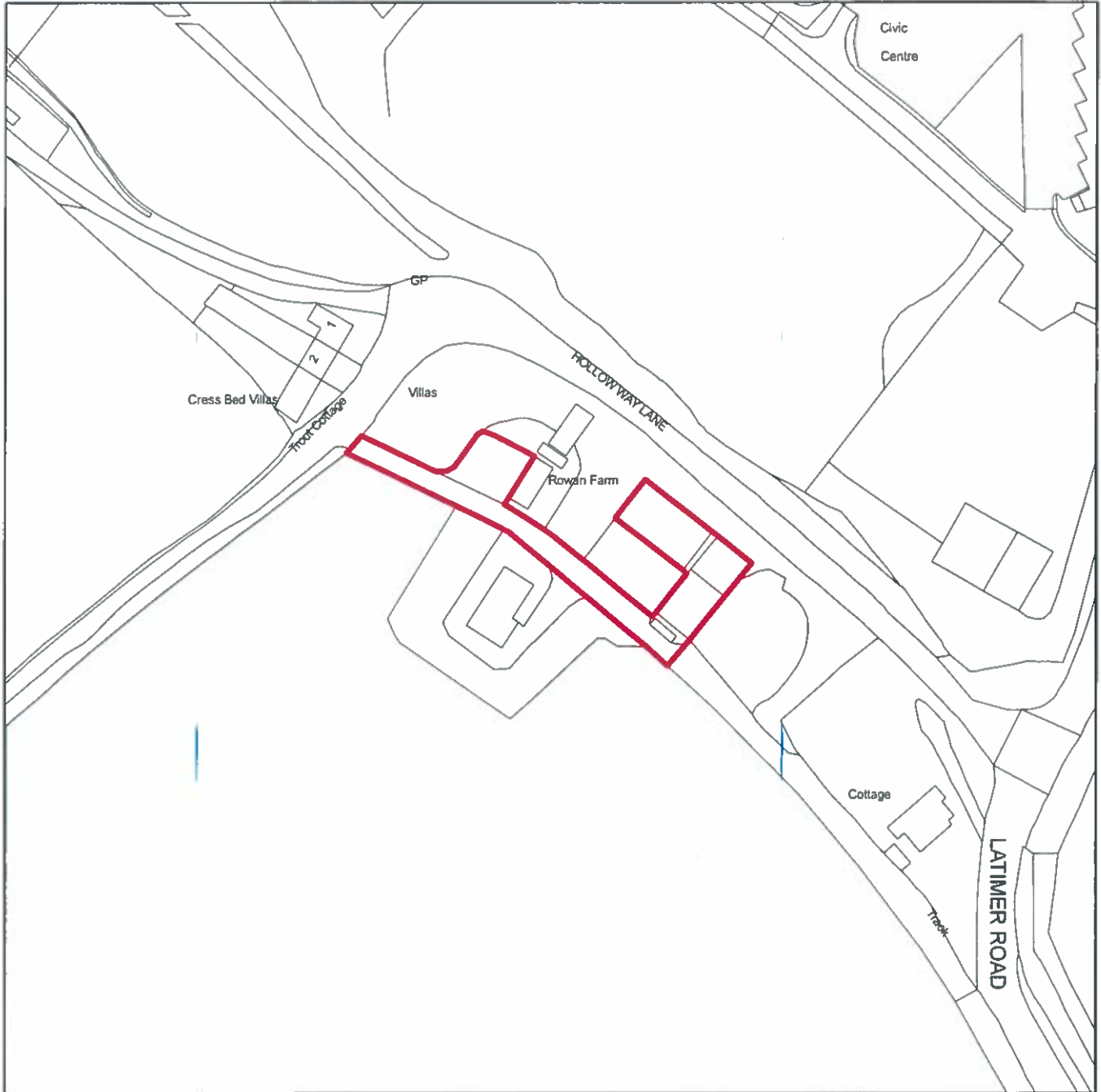
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Comments	
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PL/18/3329/FA

Rowan Farm, Hollow Way Lane, Chesham
Buckinghamshire HP5 1TJ



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District Council



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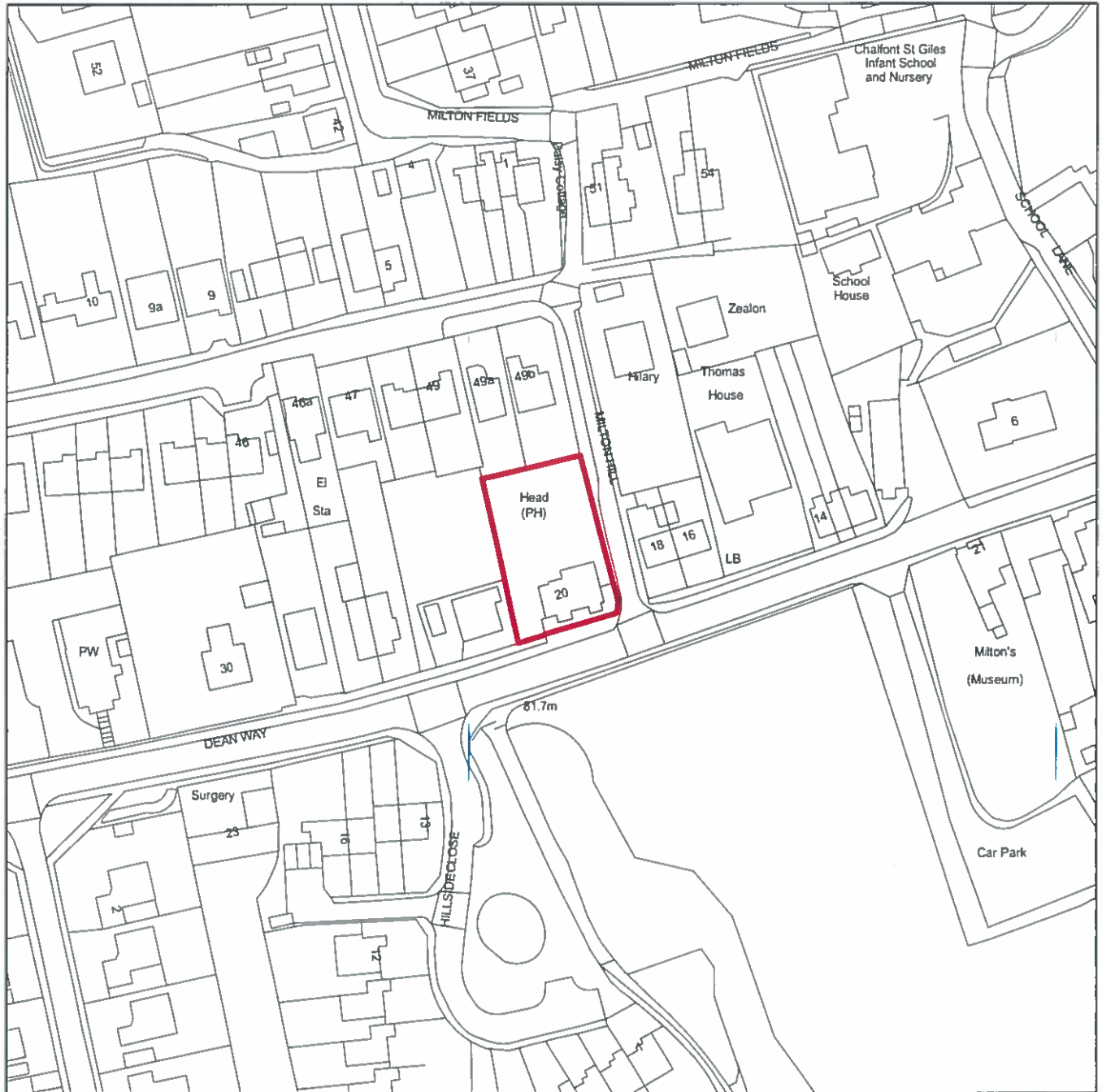
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Comments	
Date	
SLA Number	100033578.2016



PL/18/3406/OA

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



Scale: 1:1,250

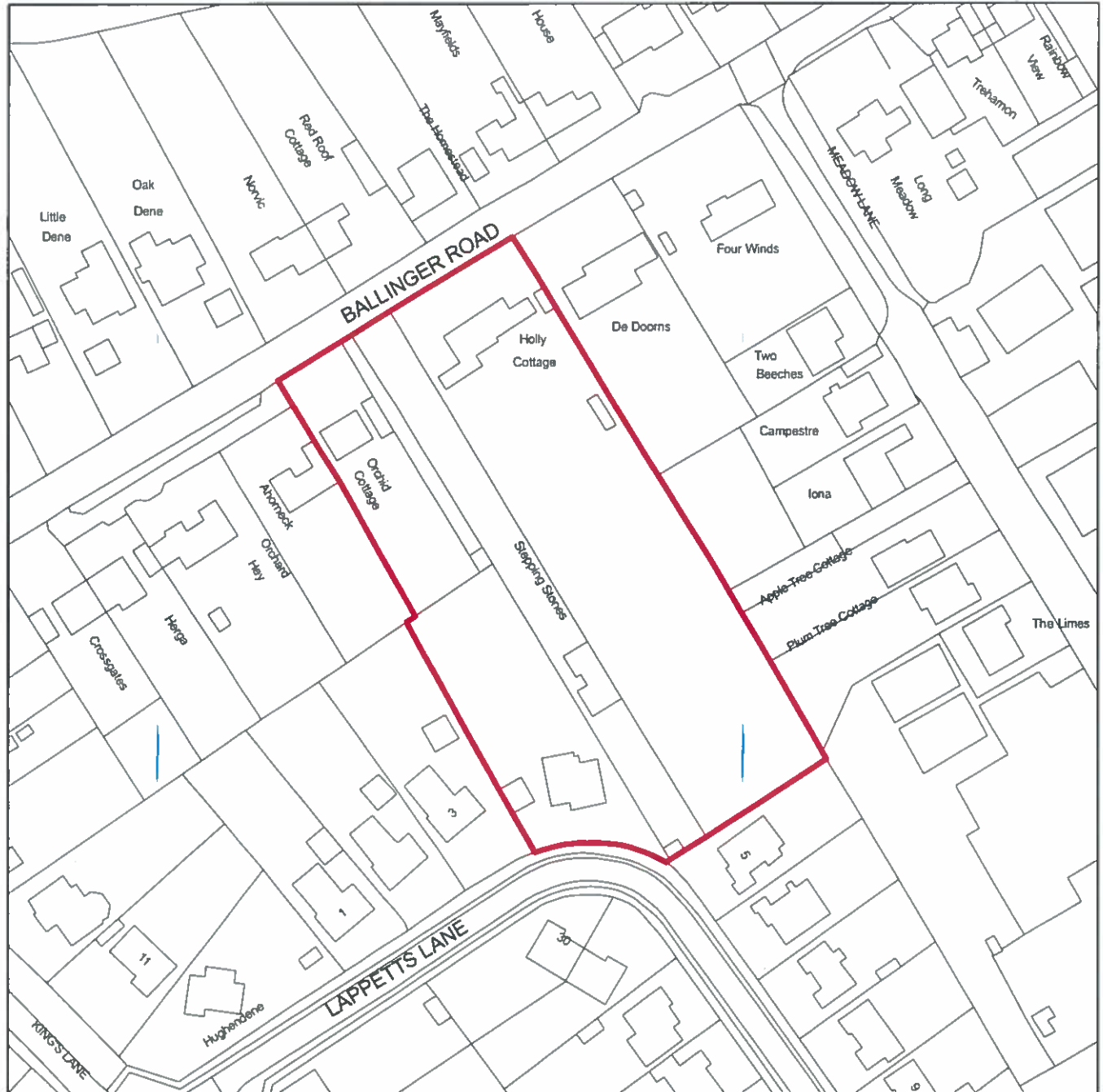
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PL/18/3410/OA

Stepping Stones, Ballinger Road, South Heath
Great Missenden, Buckinghamshire HP16 9QH



Scale: 1:1,250

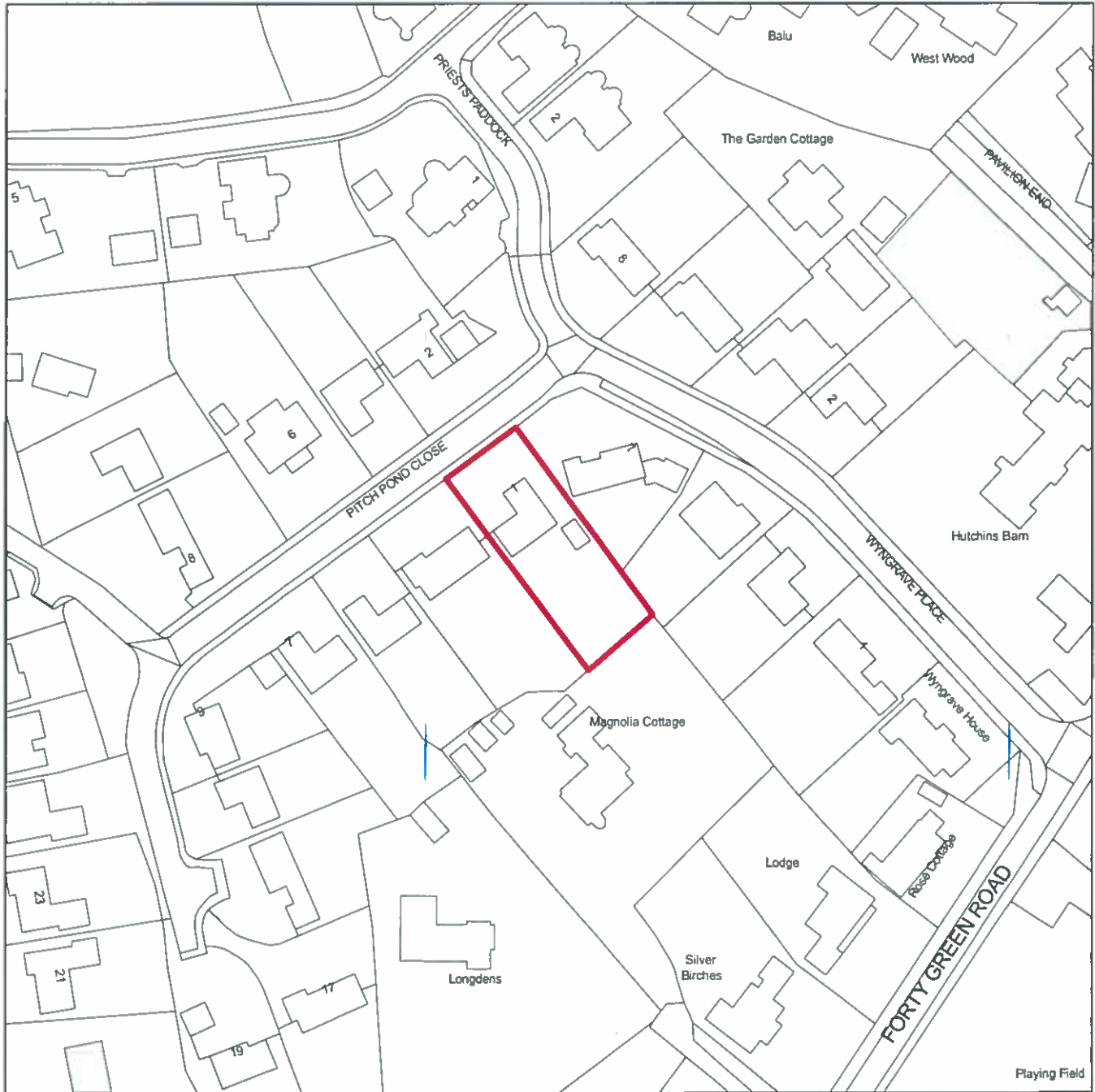
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PL/18/3413/FA

Davos, 1 Pitch Pond Close, Knotty Green
Buckinghamshire HP9 1XY



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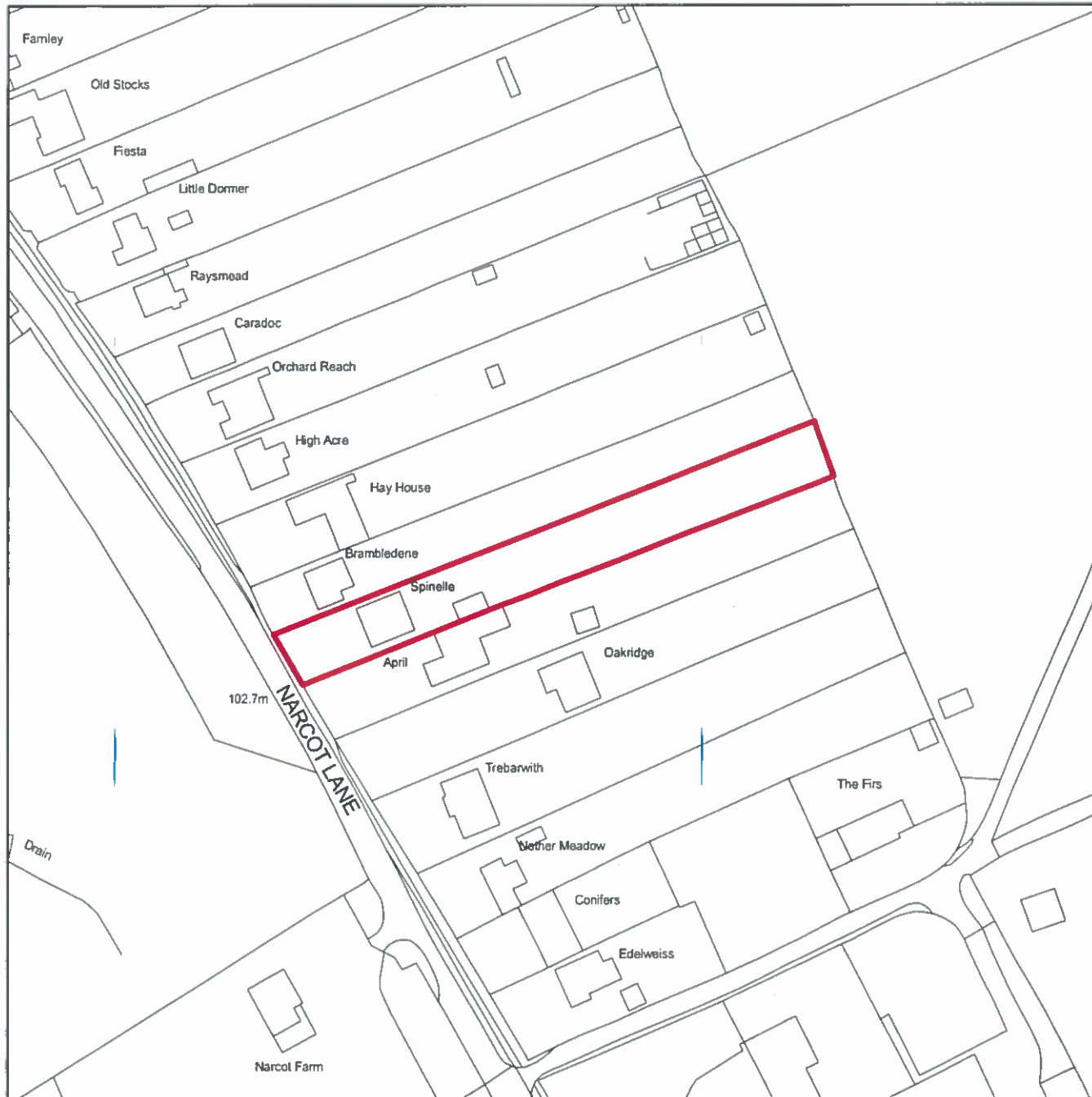
Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578.2016

PL/18/3539/FA



CHILTERN
District Council

Spinelle, Narcot Lane, Chalfont St Giles, Buckinghamshire HP8 4DX



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PLANNING COMMITTEE – 20 December 2018

REPORT OF THE OFFICERS

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

AGENDA ITEM No. 5

5 ITEMS FOR NOTING

5.1 NEW PLANNING AND ENFORCEMENT APPEALS

CH/2017/2068/EU - Application for a Certificate of Lawfulness for an existing use relating to land as residential garden in connection with Lands Farm, Barrack Hill, **Coleshill**

CH/2017/2197/FA – Erection of two storey dwelling on land to rear of 1 Oakington Avenue and new vehicular crossover, 1 Oakington Avenue, **Little Chalfont**

PL/18/2048/FA - Demolition of existing conservatory and single storey rear extension, 3 Woodside Avenue, **Chesham Bois**

5.2 APPEAL DECISIONS

2014/00014/AB - Appeal against without planning permission, the material change of use of the Land from agriculture (sui generis) to equestrian (sui generis), the erection of a stable block, a hay barn and two field shelters, the construction of an associated concrete hardstanding and the formation of an associated hardcore hardstanding, Land on the North Side of Timberley Lane, **Kings Ash**

Officer Recommendation: Notice Issued

Appeal Decision: Appeal Dismissed (12.11.2018)

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

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Allowed (09.11.2018)

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

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Dismissed (21.11.2018)

PL/18/2115/FA – Carport and new access and driveway, Peshurst, Lincoln Road, **Chalfont St Peter**

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Dismissed (20.11.2018)

5.3 PERMISSION/PRIOR APPROVAL NOT NEEDED

PL/18/3490/FA - Relocation of toilet, re-use windows, external landscaping and repaint, The George and Dragon, 14 High Street, **Chesham**

PL/18/3826/PNE - Prior notification of a single storey rear extension; depth extending from the original rear wall of 6m, maximum height and eaves height of 3m, 9 Sandycroft Road, **Little Chalfont**

5.4 WITHDRAWN APPLICATIONS

PL/18/3060/FA - Single storey side and rear extension to garage to create garage/habitable annexed accommodation (Amendment to approved application CH/2017/1732/FA), Hethercroft, Narcot Lane, **Chalfont St Peter**

PL/18/3357/FA – Vehicular access, 231 Berkhamstead Road, **Chesham**

PL/18/3369/FA - Single storey rear extension and erection of terrace incorporating ramp, 6 Longfield Road, **Chesham**

PL/18/4072/FA – First floor side and rear extension, Broad Eaves, Penn Road, **Knotty Green**

5.4 INFORMATION REGARDING PLANNING APPLICATIONS TO BE DETERMINED

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

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

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

AGENDA ITEM No. 6

6 REPORTS ON MAIN LIST OF APPLICATIONS

AGENDA ITEM No. 7

7 EXCLUSION OF THE PUBLIC

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

CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 20th December 2018

INDEX TO APPLICATIONS ON MAIN LIST OF REPORT

Ashley Green

PL/18/2761/FA Ward: Ashley Green Latimer And Page No: 03
Chenies

Proposal: Change of use from dwelling to private club, formation of enlarged car park
Recommendation: Conditional Permission

Thorne Barton Hall, Chesham Road, Ashley Green , Buckinghamshire, HP5 3PQ

Chalfont St Peter

PL/18/3069/FA Ward: Austenwood Page No: 16

Proposal: Extension to building to create a fourth storey to provide six additional apartments in connection with the use of the whole of the resultant building as 53 residential units and associated parking, cycle stores and bin stores.
Recommendation: Refuse permission

Chalfont Park, Chalfont St Peter Bypass, Chalfont St Peter, Buckinghamshire, SL9 0QA

Chesham

PL/18/3329/FA Ward: St Marys And Waterside Page No: 24

Proposal: Change of use of use of two storage sheds to dog kennels for boarding, including insertion of 58 dog pens into buildings.
Recommendation: Refuse permission

Rowan Farm, Hollow Way Lane, Chesham, Buckinghamshire, HP5 1TJ

Chalfont St Giles

PL/18/3406/OA Ward: Chalfont St Giles Page No: 32

Proposal: Erection of a 2.5 storey building comprising a coffee shop at ground floor level, with 7 x 1-bed flats and parking for 9 cars.
Recommendation: Conditional Permission

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

Great Missenden

PL/18/3410/OA Ward: Ballinger South Heath And Page No: 50
Chartridge

Proposal: Outline application for demolition of dwelling, and erection of 7 dwellings (retaining 3 existing dwellings) with car parking, landscaping, amenity space and associated vehicular access (matters to be considered at this stage: access)
Recommendation: Defer-minded to approve subject to the prior completion of Legal Agreement.
Decision delegated to Head of Planning & Economic Development

Stepping Stones, Ballinger Road, South Heath, Great Missenden, Buckinghamshire, HP16 9QH

Penn

PL/18/3413/FA

Ward: Penn And Coleshill

Page No: 63

Proposal: Part two storey, part single storey front and rear extensions, part first floor side extension and single storey side outbuilding.

Recommendation: Conditional Permission

Davos, 1 Pitch Pond Close, Knotty Green, Buckinghamshire, HP9 1XY

Chalfont St Giles

PL/18/3539/FA

Ward: Chalfont St Giles

Page No: 69

Proposal: Single storey rear extension, rear dormer, roof lights and alterations to fenestration.

Recommendation: Conditional Permission

Spinelle, Narcot Lane, Chalfont St Giles, Buckinghamshire, HP8 4DX

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 20th December 2018

PL/18/2761/FA

Case Officer: Emma Showan
Date Received: 19.07.2018
Parish: Ashley Green

Decide by Date: 29.10.2018
Ward: Ashley Green Latimer And
Chenies

App Type: Full Application
Proposal: Change of use from dwelling to private club, formation of enlarged car park
Location: Thorne Barton Hall
Chesham Road
Ashley Green
Buckinghamshire
HP5 3PQ

Applicant: Authentic Management

SITE CONSTRAINTS

Article 4 Direction
Adjacent to A and B Road
Adjacent to Unclassified Road
Area Special Advertising. Control
Within Chilterns Area of Outstanding Natural Beauty
Adjacent Public Footpaths and Public Rights Of Way
BPA Pipelines
BPA Pipelines Buffer
Bovingdon Technical Radar Zone
Within Green Belt other than GB4 GB5
North South Line
Public footpath/bridleway
Gas and Oil Pipe Lines
A and B Roads

CALL IN

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

SITE LOCATION

This application relates to a site in the open Green Belt, with a rear boundary onto the Chilterns Area of Outstanding Natural Beauty. It is located off Chesham Road, a key arterial route linking the settlements of Chesham and Ashley Green. The site comprises Thorne Barton Hall, a large residential dwelling set within mature grounds with a private tennis court and an outdoor swimming pool. The property is accessed by a sweeping driveway and has been previously extended to a considerable degree to incorporate an attached four-bay garage and first floor side extension.

THE APPLICATION

The application proposes a change of use from the dwelling to a private club and formation of an enlarged car park.

The proposed private club would offer a number of facilities, including: three dining rooms, a kitchen and gymnasium at ground floor level and a bar, two work suites, leisure room, nail bar and treatment room at first floor level. The existing swimming pool and tennis court would be retained.

It is proposed to create an enlarged parking area to the south of the site which would link to an existing (but not used) access off Ashley Green Road. The current access serving the property would be 'closed off' and the other access would be brought back into use to serve the property.

No extensions are proposed to the existing building.

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

RELEVANT PLANNING HISTORY

CH/2001/1776/FA - Two storey side extension; refused permission, appeal allowed.

CH/2000/2009/FA - Part two storey, part single storey side extension, refused permission.

CH/2000/1599/FA - Two storey side extension, refused permission.

CH/1993/0363/FA - Alterations and extension to provide domestic quadruple garage with games room, conditional permission.

PARISH COUNCIL

Ashley Green Parish Council would like to object to the application for change of use of Thorne Barton Hall.

We are of the opinion that the business being proposed in the business plan is non-viable and unsustainable. This is due to the scheme being primarily dominated by staff areas and support use. Apart from a bar and several dining/meeting areas, the only true leisure facilities are provided in the existing garage block and store over and not the main building. This in turn is likely to lead to additional new buildings and extensions being proposed within the green belt.

Furthermore:-

- 1) We feel that this development provides no benefit to the local community and would be damaging to the local village as it is not intended to be used by the local residents (evident from the number of parking spaces) but may also detract from the current local amenities including the Golden Eagle PH.
- 2) We feel that it will result in a detrimental effect on the local diverse community. The village already has comprehensive leisure and community facilities offered by The Memorial Hall and The Old School Buildings, managed by The Community Association. These facilities are affordable to all and these buildings offer all that this scheme offers, save for outdoor swimming and tennis.

- 3) These existing Community facilities would be put at risk if this development were to be permitted.
- 4) There is concern over the parking facilities being proposed. As the number of support staff is stated as being 50+ there does not seem to be enough parking being proposed to cater for all the customers that those 50 staff would be serving. In addition to this it seems absurd to be building so many parking spaces on the edge of an Area of Outstanding Natural Beauty.
- 5) The area of the buildings is advertised at 9000ft², equating to approximately 820m². The plans indicate that approximately half of this area is devoted to offices, kitchens, stores, toilets and other support areas. The "customer areas" equate therefore to only approximately 400m², and with 50 support staff, this equates to 1 staff member every 8m². The applicants have erred on the number of job opportunities and the functionality of the existing listed building spaces.
- 6) The Location Plan provided in the planning application is non-compliant as it does not provide any details of land boundaries and ownership. [Officer Note: the location plan meets national criteria and is not required to show ownership, as that is irrelevant to the planning process].
- 7) There has been no mention within the business plan of the opening hours of the facility. This could mean serious disruption to local residents at unsociable hours.
- 8) We have concerns regarding the access to the facility from the highway. The current access is from a national 60mph speed limit road and is also positioned on a bend. Visibility at the current access point on the main road (both entering and exiting) is limited and could lead to sudden braking and potentially serious traffic collisions.

REPRESENTATIONS

27 letters of objection received, including a letter from the Ashley Green District and Community Association, the relevant points of which can be summarised as follows (the following points are capable of being material planning considerations):

- Inappropriate development
- Increased noise and disturbance
- Increase traffic volume
- The new access will create more problems and result in dangerous traffic movements
- Detrimental impact on neighbouring properties
- Contrary nature of proposals in terms of CDC policy
- Intensification of use
- Impact on wildlife
- Light pollution
- Not a sustainable location
- Impact on other pubs in the locality
- Intrusion into the countryside
- Loss of tranquillity
- Concern regarding hours of operation
- Impact on quality of life
- Impact on wildlife/ecology
- Excessive traffic
- Dangerous access arrangements
- Parking shortfall
- No safe walk from Ashley Green to site
- Concern regarding refuse collections
- Concern over disabled parking spaces
- Unsustainable

The following issues have also been mentioned in third party letters - there are either not material planning considerations and therefore irrelevant to the application, or are covered by other legislation:

- Impact on Ashley Green's halls and other facilities
- Unacceptable precedent
- Exclusive club membership
- Misleading financial projections
- Concern regarding further expansion
- Impact on local wifi
- Exhaust fumes
- Ashley Green is under pressure from development
- Smokescreen application
- Lack of need for a private club when there are others in the area
- Increase in crime as increase in strangers in the area
- Concern over drink driving
- Submission of neighbour showing that the business cannot be financially viable

CONSULTATIONS

Buckinghamshire Highways Authority:

This amended plan shows that the southern access road will be used for both entry and exit for the proposed private club. This access point has been widened out to 5.4m, which I can confirm would allow for the simultaneous two-way flow of vehicles in this location. This access, as previously stated, can achieve the required level of visibility; however this would require a significant level of vegetation clearance to the south.

In terms of parking provision, I note that the revised arrangements would result in the loss of 4 car parking spaces within the site. Whilst I trust that the Local Planning Authority will comment on the adequacy of the proposals, I can confirm that the parking spaces provided are of adequate dimensions and would allow for vehicles to turn within the site.

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

District Building Control - Fire Access:

I have no objections to this scheme, providing that the requirements of Approved Document B5 of the Building Regulations are met in the design; this would include widening the access road, but this appears to be achievable within the constraints of the site.

British Pipeline Agency:

No BPA Pipeline apparatus falls within the vicinity of the location.

District Tree and Landscape Officer:

Thorne Barton Hall is a large property with extensive landscaped grounds. The proposal does not appear to involve any changes to the access but the plans show a new car park to the south of the hall.

A very large oak tree close to the hall is shown to be retained with some parking spaces under its canopy. These are closer than ideal to the tree but if no-dig construction is used this would reduce the risk of root damage. The car park is broadly shown in two sections, one extending to the east and one extending to the south.

The section extending to the east is largely within an open grassed area but there is a small pine plantation at the eastern end. This group of about twenty-five Scots pines, which are about 15m in height is shown to be removed with the oak behind retained. The parking spaces are fairly close to a line of sycamore and ash trees along the southern boundary and again no-dig construction would be appropriate.

The section to the south would require the loss of four birches, a hornbeam and two sycamores. Three of the birches are planted in a triangular shape and are good maturing trees that form an attractive group. One of the sycamores is a very large old tree situated close to existing buildings and is also quite an important landscape tree. The other three trees in this vicinity are of lesser importance.

I would like to see the group of three birches and the large sycamore retained with the car park adapted to allow their retention. However a Tree Preservation Order would only be appropriate where trees are important in public views and there is very limited public visibility of these trees.

In conclusion I am concerned about the loss of the group of three birch and the old sycamore and I would like to see these retained within the proposal. Furthermore there should be adequate protection for the retained trees and the car park should use no-dig construction within the root protection areas of the retained trees.

District Ecological Advisor:

I have reviewed the Ecological Assessment produced by Quantock Ecology (October 2018) and am satisfied that the potential presence of protected species and habitats has been given due regard. It is anticipated that no works will be undertaken which will have any impact upon bats and no trees with potential to support roosting bats will be lost. Should it be necessary to impact trees T1 or T2 further assessment in respect of bats will be required. In accordance with local and national planning policy, details of ecological enhancements shall be provided to ensure a net gain in biodiversity is achieved.

District Environmental Health Officer:

The Odour Risk Assessment is acceptable as is the Noise Assessment. The impact of the proposal is acceptable, subject to the inclusion of conditions.

County SUDs Officer:

The proposed development is not increasing the impermeable area of the site and therefore the Lead Local Flood Authority has no objection to the proposed change of use.

POLICIES

National Planning Policy Framework, 2018.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS20, CS22, CS25, CS26 and CS29.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011. Saved Policies: GC1, GC3, GC4, GB2, GB29, LSQ1, H9, TR2, TR3, TR11, TR16 and CSF1.

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

EVALUATION

Principle of development

1. This application concerns a site within the open Green Belt where most development is inappropriate development and there is a general presumption against such development. Chapter 13 of the National Planning Policy Framework (NPPF) emphasises the importance of Green Belts and states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

2. However, Paragraph 146 of the NPPF states that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.

3. This application proposes to re-use an existing residential dwelling as a private members' club. It does not seek to erect any new buildings or extend the existing dwelling. Therefore, provided the new use preserves the openness of the Green Belt and the building is of permanent and substantial construction, as a matter of fact, the change of use would be acceptable in principle, having regard to the NPPF, and subject to the proposal complying with all the relevant Development Plan policies.

4. Also of relevance is Local Plan Policy H9 which concerns the loss of existing dwellings and land in residential use throughout the District. The Policy states that planning permission will not be granted for any development which would result in the net loss of an existing dwelling and/or the change of use of land to a non-residential use unless the proposed development would provide a community facility or service. In this respect, the proposed development concerns a change of use to a private members' club.

5. It is necessary to ascertain whether the proposed use of a private members' club would constitute a community facility. Paragraph 92 of the NPPF includes local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship and other local services as community facilities. Meanwhile, Chapter 12 of the Chiltern District Local Plan states that community services and facilities are available to the public at large and encompass a wide variety of land uses. For the purposes of the Local Plan, community services and facilities include education, health, water, sewerage, electricity, gas and telephone services, and cultural, entertainment and indoor leisure activities. It goes on to say as part of Paragraph 12.7 that facilities include public halls, churches and church halls, social clubs, community and adult education centres, and libraries, spread throughout the District.

6. Case law has established that, in order to be a community facility, a proposal should serve a community and should also provide functions and uses for that community. A private members' club would be a Sui Generis use and on the basis of the plans and information submitted, appears to comprise a mix of A3, A4, D1 and D2 uses (to include restaurant, bar, leisure and library facilities). These are clearly community related uses and provide social spaces for people to meet and undertake various leisure activities. In particular, this development would include internal/external leisure activities, events and entertainment, and would serve as a social club. These are all functions covered by community facilities, as defined above. It is noted that objections have been raised on the basis that the proposal would not be of benefit to the local community and that a club without a general admissions policy could not constitute a community facility. However, this is not the case, as many community facilities are privately owned and managed. It is certainly not uncommon for other social or leisure/sports clubs to have membership procedures and so in the same way that these institutions are considered community facilities, a private members' club too could be a community facility. In addition, the application cannot be refused even if it does not serve the local community. The key is that it serves a community, whether that is local or drawn from further afield, or a mix of the two (in much the same way as a village pub or a destination restaurant serve different types of geographical community). The supporting Design & Access Statement confirms that it is budgeted that the Hall will launch with circa 200 members, although the building capacity is currently estimated at around 600 people, supporting the fact that the Club would serve a sizeable number of people, albeit not all at the same time. These numbers suggest that there is a community that the facility would serve. Accordingly, based on this assessment and in accordance with the provisions of Local Plan Policy H9, the loss of the residential dwelling would be acceptable in this instance given that it would allow the provision of a community facility.

7. Consequently, in principle, the change of use from a residential dwelling to a private members' club would be acceptable, provided that the new use does not conflict with the openness and purposes of including land within the Green Belt and complies with other relevant Development Plan policies.

Green Belt

8. Regarding the impact of the proposal on the openness of the Green Belt, no extensions are proposed to the existing building and no new buildings are proposed within the site either. A structural survey has also been submitted as part of this application confirming the structural soundness of the existing property. As such, there would not be any additional encroachment into the Green Belt in this respect.

9. An extension to the car park is proposed, and although this would not lead to the erection of any new structures in the open Green Belt, it would introduce a sizeable area of hardstanding that would have a visual impact on the openness and rural qualities of this part of the Green Belt. Nonetheless, the hardstanding is to be located within close proximity to the main building and adjacent to the existing driveway/hardstanding and it would not extend rear of the property. It would therefore be viewed in connection with the main building and is not considered to sprawl to an unacceptable degree into the surrounding countryside. In addition, it is noted that the parking area would be set back from the public highway and would be heavily screened by the existing mature planting which would limit its impact on views from Chesham Road. Nonetheless, a condition requiring the submission of further information regarding the hardstanding or proposed materials to be used for the parking area would ensure that the impact of the parking area on the appearance of the Green Belt is minimised.

10. Furthermore, it is accepted that the proposed use of the existing residential dwelling as a private members' club would result in an intensification over the existing use, however, given the above assessment, it is not considered that the new use would result in an intensification of the site that has a detrimental impact on the openness of the Green Belt. The majority of activities being undertaken at/by the club would be internal, with the external activities relying on use of the existing outdoor swimming pool and tennis courts. The NPPF supports the provision of appropriate facilities for outdoor sport and outdoor recreation in the open Green Belt and so there is no conflict with the Green Belt regarding the intensification of the recreational facilities on offer by the club.

Design/character & appearance

11. The proposed change of use from the dwelling would largely rely on internal alterations and no extensions or changes to the facing materials are proposed as part of this application that would change the external appearance of the property. Although a significant car park extension is proposed, this has been dealt with above in the Green Belt section of this report where it is considered that the appearance and siting of the car park would be acceptable. Given that the site would for the most part retain its existing appearance and character, it is not considered that the proposal would have a detrimental on the locality in terms of eroding local character.

Residential amenity

12. The application does not propose any extensions to the existing building or the insertion of new windows or openings in the north side elevation, nearest to the neighbouring properties. It is also noted that this boundary currently comprises a brick wall of 1.6 metres in part before extending to 3.7 metres to the side/rear of the property and this is flanked by a hedge which is 4 metres in height. It is proposed to retain this boundary and therefore, given that no new openings or walls are proposed, the proposal is not considered to be any more intrusive or overbearing than at present.

13. It is accepted that the proposed use would likely generate more noise, odour and light pollution than the existing use of the property as a residential dwelling. In this respect, the Applicant has submitted a Noise

Assessment undertaken by a specialist acoustic consultancy and an Odour Impact Assessment, again undertaken by a specialist consultancy. The noise level assessment concludes that with appropriate mitigation and operation controls, the noise levels attributable to the operation of the hall would be acceptable to ensure any adverse noise impacts were minimised. Meanwhile, the odour impact assessment concludes that provided the kitchen extract system and duct work are installed as recommended, then the odour effect of the proposed kitchen on surrounding properties would be acceptable.

14. Both of these reports have been assessed by the Council's Environmental Health Officer who has confirmed that both the Odour Risk Assessment and Noise Assessment are acceptable and provided that the development is subject to conditions requiring that all plant, machinery and structural modification for acoustic control be installed in accordance with the submitted LF Acoustics report and that a copy of the Noise Management Plan is approved by the Local Planning Authority prior to the occupation of the premises, then no objections are raised.

15. In regards to concerns regarding an increase in light pollution, no additional windows are proposed as part of this application and a condition requiring that details of any future external lighting are submitted for approval by the Local Planning prior to their erection is considered sufficient to control the use of external lighting and its potentially detrimental impact on neighbouring amenities and the Green Belt.

16. To address concerns about noise and the potential hours of use of the club, a condition limiting the external playing of amplified or live music is considered necessary and a condition limiting the use of the gardens and outside areas of the building for functions between the hours of 0:00 and 07:00 hours is also considered necessary to safeguard the amenities and quiet enjoyment of nearby residential properties. The Applicant is also advised that they will need to apply for the relevant alcohol and entertainment licences from the District Council.

17. Finally, subject to planning permission being granted, should any future concerns regarding excessive noise or nuisance become apparent, these can and should be addressed under separate Environmental Health legislation.

Parking/highways implications

18. The application originally proposed to utilise the existing main access to the property which served both Thorne Barton Hall and the nearest neighbouring properties, however, following concerns in regards to the use of this access by neighbouring properties, the Applicant has agreed to use an existing access to the south of the site to bring this into use as the primary entrance and exit to the site. This access route would be located away from the nearest neighbouring properties and would have its own exit onto Chesham Road. The existing main access would remain as is, and would continue to serve the nearest neighbouring properties but would be separated off from the Club by a locked gate, with the intention being that this access to the Club remains solely for emergency use. In terms of the suitability of the proposed access, the County Highways Officer has assessed the access and confirmed that the required level of visibility can be achieved with clearance of vegetation and no objection is raised on their part. This new access arrangement would also have the added benefit of reducing vehicle disruption close to neighbouring properties.

19. In terms of the parking arrangements for the proposed use, given the Club's mixed uses, a number of different parking standards are applicable. Local Plan Policy TR16 states that for the restaurant and bar elements, the standard expected would be 1 car parking space per 4 square metres of public floor space, plus facilities within the site for the loading, unloading and manoeuvring of goods. For the leisure and meeting room elements, 1 car parking space is required per 5 square metres of floor area. For miscellaneous uses, including sports facilities, the Local Plan states that vehicle parking standards for any use of a building or land uses not specified in the standards will be assessed by the Council when the planning application is submitted

in accordance with the likely demand for car parking capacity. Therefore, in terms of the parking spaces to be provided for guests and staff, based on the standards in Policy TR16, the standard for the restaurant/bar facilities would be 44 spaces and the standard for the leisure and meeting room elements would be 57 spaces, totalling 101 parking spaces. This figure also assumes all the facilities will be in use, to full capacity, at all times, which is highly unlikely.

20. This application proposes to provide 88 spaces which equates to 87% of the overall standard, and only equates to a shortfall of 13 spaces. The existing area of hardstanding to the front of the building will be retained and this would provide adequate space for the loading, unloading and manoeuvring of goods and turning space for larger vehicles, in addition to some supplementary parking. It is therefore considered that the number of spaces to be provided is acceptable. It is noted that there is space within the site to accommodate the additional spaces, however this would result in an extension of the car park to the side/rear of the property and into an attractive, open lawned area. Weighing up the option of providing 101 spaces against the detrimental impact of extending the hardstanding into adjoining grassland in the open Green Belt and it is considered that the provision of 88 spaces would be acceptable and it would be sufficient to meet the needs of the Club. No objections are therefore raised in regards to parking.

21. Three parking spaces have been allocated close to the building to accommodate disabled parking and an area for storing bicycles and motor bikes has also been provided near the entrance drive which is of benefit to future guests/employees of the Club.

Waste collection

22. Thorne Barton Hall as a residential dwelling already benefits from existing waste collection routes and so no objections are raised in this respect. A condition requiring further details to be submitted regarding the location and design of any bin stores would ensure that the waste and recycling facilities are appropriately accommodated and sited.

Ecology

23. The Applicant has submitted an ecological report which has been considered by the Ecology Officer to determine the impact of the application on protected species. It is concluded that no works will be undertaken which will have any impact upon bats and no trees with potential to support roosting bats will be lost. No objection is raised, subject to the inclusion of conditions to protect species of conservation concern.

Trees and landscaping

24. The proposal would require the loss of four birches, a hornbeam and two sycamores in order to facilitate the creation of the parking area. Although the loss of these trees is regrettable, it is considered that the parking area would be located within the most appropriate part of the site and as these trees are not protected by a Tree Preservation Order, their removal is considered acceptable. The District Tree Officer has recommended that adequate protection is provided for the retained trees and that no-dig construction is used in the formation of the car park. These recommendations can be secured by way of condition.

Drainage

25. Buckinghamshire County as the Lead Local Flood Authority has assessed the proposal and has no objection to the proposed change of use, in terms of run-off, drainage and flooding.

Comments on other concerns raised

26. A large number of objections have been raised by interested parties, many of which will have been taken into account in the report above. However, a number of objections have raised concern that this change

of use would have a detrimental impact on Ashley Green's halls, pubs and other local facilities. Such competition is strictly not a material planning consideration and cannot be quantified, so cannot be taken into account as part of this planning assessment. In addition, it has been raised that the financial projections are misleading and that the business cannot be financially viable. This too is strictly not a material planning consideration, as the applicant does not need to demonstrate the business is financially viable. Finally, objections to an increased likelihood of further planning applications on site are noted but given that future planning applications have to be determined on their own merits, if or when they are submitted, this is not a planning consideration in the case of this application.

Conclusion

27. This application proposes the change of use of an existing residential dwelling in the Green Belt to a private members' club. No extensions are proposed to the building and it is not considered that the proposal would have a detrimental impact on the openness of the Green Belt. In addition, although the proposal would lead to the loss of a residential dwelling, as the club would constitute a community facility, the loss is acceptable, in accordance with the provisions set out in Local Plan Policy H9. The proposal is therefore acceptable in principle.

28. Given that no changes are proposed to the external appearance of the building, it is considered that the proposal would not have a detrimental impact on the character of the area. The car parking area is considered to be appropriately sited and would be shielded from view from the public highway by existing vegetation and boundary treatments. A condition requiring the submission of materials will also ensure that the car park integrates sympathetically with the rural surroundings.

29. No extensions are to be erected and nor are any new windows to be inserted in the north elevation facing the neighbouring properties. The building is therefore considered to be no more intrusive or overbearing than at present. Neighbouring concerns regarding the potential increase in noise and light pollution and the potential for odours have been taken into account and the Council's Environmental Health Department has reviewed the submitted documentation and concluded that the impact on neighbours would be acceptable, provided the permission is subject to a number of conditions. No other objections have been raised by the Council's statutory consultees.

30. On this basis, the application is recommended for conditional permission.

Working with the applicant

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

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

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

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

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 C108A General Time Limit

2 Before works commence above ground level, details of the materials and location of the hardstanding hereby permitted for the car park and any paths within the site shall be submitted to and approved in writing by the Local Planning Authority. The hardstanding shall only be erected in accordance with the approved details and no alterations shall take place thereafter, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the amount and appearance of the hardstanding is not detrimental to the character of the locality and the AONB and to ensure that it is in keeping with the rural character of the Green Belt.

3 No development shall take place until a 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 and any other appropriate tree protection measures, such as no-dig construction. 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 these enclosed areas there shall be no construction works, no storage of materials, no fires and no excavation or changes to ground levels. These protection measures shall 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 proposed to be retained are safeguarded during building operations, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

4 No other part of the development shall begin until the new means of access has been altered in accordance with the approved drawing.

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

5 No other part of the development shall begin until 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 151 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: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

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

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

7 The development shall be undertaken in accordance with the recommended safeguards provided within the Ecological Assessment produced by Quantock Ecology (October 2018). Prior to the commencement of works above ground level, details of ecological enhancements shall be submitted to, and approved in

writing by, the Local Planning Authority. The scheme must include details of native landscape planting and provision of artificial roost features, including bird and bat boxes, to achieve a net gain in biodiversity.

Reason: In the interests of improving biodiversity in accordance with the NPPF and Policy CS24 of the Chiltern Core Strategy and to ensure the survival or protected and notable species protected by legislation that may otherwise be affected by the development.

8 Prior to occupation, details of the lighting scheme designed to minimise the impacts on light sensitive wildlife including bats shall be provided to, and approved in writing by, the Local Planning Authority. No external lighting, other than that approved under this Condition, shall be fixed to the buildings or installed within or around the site unless agreed in writing by the Local Planning Authority.

Reason: In order to maintain the rural character of the locality and to comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and to protect species of conservation concern.

9 No sound amplification equipment shall be erected, installed or used at any time within the site, other than within the interior of the buildings which hereby form the subject of this permission.

Reason: To safeguard the amenities and quiet enjoyment of neighbouring properties.

10 The external recreational areas, including the tennis courts and swimming pool, shall not be used between the hours of 00:00 and 07:00 hours on any day.

Reason: To safeguard the amenities and quiet enjoyment of nearby residential properties.

11 Details of the design, external appearance and siting of the refuse storage provision shall be submitted to and approved in writing prior to the occupation of the development hereby permitted. The refuse provision shall be constructed in accordance with the approved details prior to occupation of the development and shall remain available for such use thereafter.

Reason: To ensure adequate provision of refuse stores.

12 Prior to the occupation of the development hereby permitted, all plant, machinery and structural modification for acoustic control shall be installed in accordance with the LF Acoustics report dated October 2018 and thereafter be maintained in accordance with the manufacturers' instructions.

Reason: To safeguard the amenities and quiet enjoyment of nearby residential properties.

13 Prior to the occupation of the development hereby permitted, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Noise Management Plan shall be implemented upon first occupation of the development and adhered to thereafter.

Reason: To safeguard the amenities and quiet enjoyment of nearby residential properties.

14 AP01 Approved Plans

INFORMATIVES

1 INFORMATIVE: The applicant is advised that the altered access will need to be constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access within Highway Limits" 2013. In addition, the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information or apply online via Buckinghamshire County Council's website at

Classification: OFFICIAL

www.buckscc.gov.uk/services/transport-and-roads/highways-development-management/apply-online/section-184-licence/

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

Classification: OFFICIAL

PL/18/3069/FA

Case Officer: Margaret Smith
Date Received: 15.08.2018 Decide by Date: 02.01.2019
Parish: Chalfont St Peter Ward: Austenwood
App Type: Full Application
Proposal: Extension to building to create a fourth storey to provide six additional apartments in connection with the use of the whole of the resultant building as 53 residential units and associated parking, cycle stores and bin stores.
Location: Chalfont Park
Chalfont St Peter Bypass
Chalfont St Peter
Buckinghamshire
SL9 0QA
Applicant: Stonegate Homes (Chalfont) Ltd

SITE CONSTRAINTS

Article 4 Direction
Area Special Advertising Control
Adjacent Listed Buildings
Archaeological site
Biodiversity Opportunity Areas
Critical Drainage Area
National Flood Zone 2
National Flood Zone 3
Within Green Belt other than GB4 GB5
Heathrow Safeguard (over 45m)
Mineral Consultation Area
North South Line
Denham Safeguard zone
Northolt Safeguard zone
Tree Preservation Order (A/G/W)
Colne Valley Park R15

CALL IN

Councillor Wertheim has requested that this application be determined by the Committee regardless of the officer's recommendation.

SITE LOCATION

The application site is located to the east of the A413 Amersham Road and lies wholly within the Green Belt. There are statutorily listed buildings sited on adjoining land to the north and south. The site lies in an Area of Critical Drainage (SFRA 213) and a Critical Drainage Area and land within the site and to the north-east of the application building lies within Flood Zones 2.

Currently the site comprises a 3 storey building, the south elevation of which overlooks its car parking area that comprises 73 parking spaces.

THE APPLICATION

This application is for the erection of a single storey flat roofed extension that would project 2.8m above the existing 3rd floor parapet. The existing height is approximately 11.2 metres and the proposed height would be approximately 14 metres.

The extension would comprise 6 x two bedroom units and would result in the whole building comprising 53 residential units following the conversion of the ground, 1st and 2nd floors under permitted development rights.

The application site is proposed to accommodate 84 car parking spaces in total, and a store for 60 bicycles and a refuse/recycling store.

STATUTORY ADVERTISEMENT

The application has been advertised by way of a site notice and a press notice as development affecting the setting of a listed building.

RELEVANT PLANNING HISTORY

PL/18/2160/PNO Prior Notification under Class O of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - change of use from office (use Class B1(a)) to forty seven residential units (Use Class C3). Prior Approval Given.

CONSULTATIONS

Buckinghamshire County Council Highway Authority

No objections and no conditions to be imposed

Ecological Advisor

No comments to make

SuDs Officer

No comments to make

Building Control

No objections

Access for the Disabled

No response at time of drafting report

Waste Management

No objection

Historic Buildings

Objection:

'Designation

Setting of various Grade II listed buildings

Background information

The application relates to a modern 3 storey office block located within the former historic parkland setting of the Grade II listed Chalfont Park. Chalfont Park was a country house dating from the 18th century however

may have earlier origins. Whilst the modern former office blocks are built on the formal gardens north-west of the main house (originally the walled kitchen garden which was formalised in the 20th century to Italianate gardens designed by Lutyens), a number of other listed building associated to the historic Chalfont Park have been retain around the site. This includes the gateway to the former stable yard, the gardener's cottage, attached walls and pavilions, and the cottage, all of which are Grade II listed.

The existing building forms part of the former 'Chalfont Business Park' with the complex of buildings matching in appearance. The buildings vary in form however are characterised predominantly by their red brick external finish. White banding decorates the exterior of the building at plinth level, string course detail along the tops of the ground floor windows and at roof level. The contrasting white detailing is also used around the double height glazed entrances to the buildings. The roof form is simple comprising of a very shallow pitched standing seam metal roof in a dark grey finish.

The elevations are littered with fenestrations on all elevations. The buildings appear to have been design with a sense of hierarchy with the fenestration design and placement altering at each level. The ground floor fenestration relates to the activity at ground level with a podium aesthetic. A simpler approach of two light windows decorates the first floor. The second floor is 'light weight' in appearance, almost entirely comprising of glazing. It allows the building to 'dissolve' into the skyline lessening the impact of its height and perceived bulkiness.

Car parking is a dominating element across the site with extensive amounts of 'standard' hardstanding, which is not wholly complimentary to the setting of the heritage assets.

Impact on heritage assets (designated/non-designated)

As part of the building's conversion from office to residential use the applicants are proposing to extend the building by creating a fourth storey in order to create additional residential units. This block is situated closest to Chalfont Park house.

This would increase the height of the block and result in a more prominent the building particularly when viewed from and alongside the listed buildings. Whilst the settings of the heritage assets have unfortunately been compromised due to past decisions, as existing particularly in terms of height, the former office buildings remains subordinate in height to Chalfont Park house.

The additional storey would disrupt the principal design aesthetic of the existing building as described above, diminishing the lightweight nature of the top storey. It would result in a bulky built form by the addition of such a solid element.

Taking into account, section 66(1) of the Planning (Listed Buildings and Conservation Area) act 1990, and the statutory duty to have special regard to the desirability of preserving the building or its setting, the proposals would fail to preserve the setting of the designated heritage assets in turn resulting in increased harm.

CONCLUSION: Objections.'

PARISH COUNCIL RESPONSE

Chalfont St. Peter Parish Council made the following comments:

'Object. Will affect setting of adjacent Listed Building. Out of keeping with the Green Belt setting, excessive height will be visible from open land.'

REPRESENTATIONS

No letters have been received from local residents.

POLICIES

National Planning Policy Framework (NPPF), 2018.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS1, CS2, CS4, CS8, CS10, CS11, CS20, CS24, CS25, CS26, CS30, CS31 and CS32.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC2, GC3, GC4, GC14, GB1, GB2, GB22A, GB30, TR2, TR3, TR11, TR12, TR15, TR16 and NC1.

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

Affordable Housing Supplementary Planning Document (SPD)

EVALUATION

Principle of Development

1. This site is within the Metropolitan Green Belt in which there is a presumption against inappropriate development. Para 145 of the NPPF states that the construction of new buildings is inappropriate with certain limited exceptions, the criteria to be considered in relation to this application is (c) which allows in principle for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

2. The proposed development would result in a 20% increase approximately in floorspace above that of the existing building. The proposals have been amended during the course of the application to reduce the overall height of the resultant building but it would still result in an increase in the overall height of the building by 2.8 metres. It is therefore considered that the proposed extension would result in a disproportionate addition over and above the size of the original building, as a result of the obtrusiveness of the addition that would not be viewed against the bulk of the existing building, but would be viewed as a prominent rooftop addition noticeably increasing the height and prominence of the existing building.

3. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and safeguarding the countryside from encroachment, including visual encroachment. This is one of the 5 specified purposes of the Green Belt.

4. Given the foregoing, very special circumstances would have to be advanced to clearly outweigh the harm, in principle, to the Green Belt by reason of the proposed development constituting inappropriate development and any other additional harm to the Green Belt. In this case, the additional harm includes the resultant visual encroachment from the proposed rooftop extension, the loss of existing landscaping in the car park to accommodate additional car parking spaces, the erection of a timber refuse and recycling store and the erection of a timber cycle store.

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

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

Footnote 6 to the NPPF notes that such 'specific policies' include land designated as Green Belt, designated heritage assets and other specific locations.

7. Consequently, the NPPF sets out the general presumption in favour of sustainable development, but paragraph 11 states that the NPPF policies that protect areas of particular importance including the Green Belt and that protect the setting of listed buildings may provide a clear reason for refusing development.

8. The points advanced by the agent in aid of the applicant's proposals are that the site is well screened by mature trees precluding long range views of the proposed development and that the proposed use of grey cladding materials would mitigate against any potential impact by blending the proposed development into the skyline, and that additional parking is proposed and cycle parking is now introduced as well as an enclosed refuse store.

9. However, the screening of inappropriate development in the Green Belt does not render it acceptable and, in this case, the proposed development would be highly visible from public vantage points and may be likely to prompt further applications for similar rooftop extensions at Chalfont Park. Although additional parking is proposed as well as cycle parking and refuse storage, it is indicative of the proposals constituting an intensification in the use of the site and would result in the loss of some of the limited landscaping in the existing car parking area that softens that extent of hardsurfacing and vehicular presence. These points do not constitute very special circumstances that clearly outweigh the harm to the Green Belt in principle and the additional visual harm and harm by way of intensification and urbanisation.

10. Consequently, the proposed development constitutes inappropriate development and no very special circumstances have been advanced that clearly outweigh the harm in principle and the other additional harm. As such the proposals are contrary to the NPPF, saved Local Plan policies GB1 and GB2 and policies CS1 and CS2 of the adopted Core Strategy.

Design/Character & Appearance

11. The existing premises comprising Chalfont Park are of a uniform height and the proposed development would result in an additional floor.

12. Although the proposed extension is acceptable in design terms in itself, the proposed height and bulk would be unduly noticeable and obtrusive as viewed from public vantage points, coupled with a greater spread of hardsurfacing and parked vehicles, the introduction of built development in the form of a cycle store and a refuse store and the loss of some of the existing limited landscaping that breaks up the existing car park.

13. Consequently, the proposals would introduce new built development and the noticeable loss of existing landscaping. As such, the proposed development is contrary to saved Local Plan policies GC1 and GC4.

Residential amenity

14. Policy GC3 seeks to protect the amenities of existing adjoining properties and ensure that good standards of amenity are provided for the future occupiers of development. The application building is at a distance from any residential properties and so there would be no undue loss of residential amenity.

Refuse Storage Provision and Collection

15. The applicant has proposed the siting of a refuse and recycling store in a convenient location and the Council's Refuse and Recycling section has confirmed that it is of sufficient size to cater for the proposed development.

Affordable Housing

16. One of the key priorities of the Core Strategy is the provision of affordable housing in new developments. Core Strategy Policy CS8 sets out a cascade of affordable housing provision according to the number of dwellings being provided. A key consideration for the purposes of applying affordable housing policy is whether this application should be treated as six new dwelling units or as an extension to the larger development that would be carried out following the approval under ref. PL/18/2160/PNO. If it is six dwellings, then the NPPF sets out that such tariff style planning obligations should not be sought from small scale and self-build development, including developments of less than 10 units and/or which have a site area of less than 0.5 hectares. However, in this case, it is considered that the dwellings proposed in this application clearly form part of a larger development for 53 dwellings in total. This is a view taken due to the means of access and parking provision for the proposed dwellings, which would be shared with the other flats following the conversion of the lower floors. This application development is clearly linked with the proposed conversion of the remainder of the building indicative of the fact that this proposal clearly forms part of a larger development.

17. The notes forming part of Policy CS8 state that, "The Council will make its own assessment of a site's capacity having regard to the adopted planning policies and other material considerations. This will apply in cases where an application site is part of an identifiable larger area capable of more comprehensive development, regardless of ownership." Therefore, as the proposal is regarded as part of a larger development, Policy CS8 requires at least one affordable housing unit to be provided for schemes of 6 dwellings.

18. Where these targets cannot be met, the Council will require clear evidence to demonstrate why it is not viable to do so. This application does not propose any affordable housing provision and no viability information has been submitted to show why one affordable unit could not be provided on the site or a financial contribution.

19. The Council's Housing Manager has advised that an off-site financial contribution would be appropriate in this instance, as an on-site unit would not be affordable and would not help to meet the Council's Housing Register need. The agent has confirmed a willingness to meet the Council's requirement for an off-site financial contribution and it is understood that at the time of writing this report a Unilateral Undertaking is being drafted in this connection. However, at this time, in the absence of a satisfactorily completed Unilateral Undertaking, the application is contrary to Core Policy CS8.

Parking/Highway implications

20. In accordance with the Council's adopted Parking and Manoeuvring Standards, these proposals comprise 6 two bedroom units that would require 12 on-site parking spaces and the conversion of the existing building to 47 dwellings, in accordance with the development the subject of PL/18/2160/PNO, would require a further 66 on-site parking spaces, totalling 78 spaces in order to comply with the Council's adopted standards. The proposed site plan illustrates the provision of 84 spaces, including 2 spaces for disabled persons, which would be sufficient to comply with saved Local Plan policy TR16.

Vehicular Access

21. With regard to the impact of the proposal on the highway, the Bucks County Council Highway Authority has raised no objection.

Trees and landscaping

22. Policy GC4 of the Local Plan states that planning applications should include landscaping proposals suitable for the development proposed and the characteristics of the site. The parking area for the existing commercial building has landscaping around its boundaries as well as pockets of landscaping to break up the

spread of hardsurfacing and the visual presence of vehicles. The parking proposals the subject of this application would result in the loss of some of the important, existing pockets of landscaping, which would be unacceptable. However, the parking spaces proposed exceed the number that would be required to comply with the Council's adopted parking standards and so it would be possible to provide 78 spaces without removing, for example, the existing landscaping in the approximate positions of space no's. 9, 24, 47, 60, 61, and 62. Consequently, it would not be possible to sustain a reason for refusal on a loss of existing landscaping, although it would not be possible to introduce landscaping sufficient to soften views of the proposed extension from public vantage points.

Conservation and Design

23. Saved Local Plan policy LB2 seeks to protect the setting of Listed Buildings and section 16 of the NPPF sets out the Government's position regarding the conservation and enhancement of the historic environment and emphasises that Listed Buildings are an irreplaceable resource. The Council's Conservation and Design Officer has raised objection to the proposed development and states that the proposed increase in height would result in a more prominent building that would not be subordinate in height to Chalfont Park house and would disrupt the principle design aesthetic of the existing building by diminishing the lightweight nature of the existing top storey. As such, the proposals would fail to preserve the setting of the designated heritage assets resulting in increased harm.

Sustainable Development and Planning Balance

24. At the heart of the NPPF is a presumption in favour of sustainable development and in accordance with paragraph 11, development proposals that accord with the Development Plan should be approved without delay. Where the Development Plan is out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. In this connection, paragraph 11 states that the presumption in favour of sustainable development does not apply where there are relevant up-to-date development plan policies and/or where the NPPF policies that protect, for example, Green Belts and/or listed buildings provide a clear reason for refusing the development proposal.

25. The above assessment has identified significant and demonstrable harm in relation to the impact of the proposal on the character and amenities of this part of the Green Belt and the setting of a listed building. Given the degree of harm identified, the benefit of 6 residential units is not considered sufficient to outweigh the harm in this instance. Furthermore, in the absence of a satisfactory completed Unilateral Undertaking this application fails to help meet the Council's affordable housing requirements, which is one of its key social objectives.

Working with the applicant

26. 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, the applicant was informed of the likely objections and given the opportunity to comment. However, it was not considered that any negotiation or changes could have been made that would have resulted in a favourable outcome. As such the recommendation is based upon the plans as submitted.

Human Rights

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

RECOMMENDATION: Refuse permission

For the following reasons:-

- 1 The site is within the open Green Belt where most development is inappropriate and there is a general presumption against such development. The proposed development does not fall into any of the categories listed in Policy GB2 of the Local Plan and paragraphs 145 and 146 of the National Planning Policy Framework and therefore constitutes inappropriate development in the Green Belt. Furthermore, the proposed introduction of an additional storey, a greater spread of hardsurfacing and the introduction of additional built form for the storage of refuse/recycling and cycles at the expense of existing landscaping, would have a severe detrimental impact on the openness of the Green Belt and would further intensify the use of this site and would further urbanise its appearance. No very special circumstances have been demonstrated which clearly outweigh the harm to the Green Belt in principle and other additional harm, including the visual harm from the introduction of the proposed additional storey and from the additional hardsurfacing, presence of parked vehicles and additional storage buildings. As such, the proposal conflicts with the purposes of including land within the Green Belt and would introduce new and obtrusive built development and hardsurfacing and is, therefore, contrary to Policies GB1, GB2, GC1 and GC4 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, policies CS1 and CS2 of the Core Strategy for Chiltern District (adopted November 2011) and the provisions of the National Planning Policy Framework.
- 2 Policy CS8 of the Core Strategy sets out that on sites which contain 15 dwellings or more, at least 40% of dwellings within the development shall be affordable. The Council recognises that there will be occasions where it is not financially viable for developers to meet these targets but in this case, insufficient justification has been provided to demonstrate that the scheme would not be viable if the targets in Policy CS8 were met. The proposed development results in a net gain of 6 residential units and therefore, in accordance with Policy CS8, 1 of these units should be affordable. This would need to be secured by way of a legal agreement. No legal agreement has been completed as part of the application and there are therefore no mechanisms to provide the required affordable housing. As such, the application is contrary to Policy CS8 of the Core Strategy for Chiltern District, Adopted November 2011 and the Chiltern Affordable Housing Supplementary Planning Document.
- 3 The proposed increase in height would result in a more prominent building that would not be subordinate in height to Chalfont Park house and would disrupt the principle design aesthetic of the existing building by diminishing the lightweight nature of the existing top storey. As such, the proposals would fail to preserve the setting of the designated heritage assets resulting in increased harm contrary to saved Local Plan policy LB2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and section 16 of the NPPF.

PL/18/3329/FA

Case Officer: Laura Rheiter
Date Received: **03.09.2018** Decide by Date: **17.12.2018**
Parish: **Chesham** Ward: **St Marys And Waterside**
App Type: Full Application
Proposal: **Change of use of two storage sheds to dog kennels for boarding, including insertion of 58 dog pens into buildings.**
Location: **Rowan Farm
Hollow Way Lane
Chesham
Buckinghamshire
HP5 1TJ**
Applicant: **Mrs Wendy Collett**

SITE CONSTRAINTS

Adjacent to Unclassified Road
Area Special Advertising Control
Within Chilterns Area of Outstanding Natural Beauty
Biodiversity Opportunity Areas
Bovingdon Technical Radar Zone
Critical Drainage Area
National Flood Zone 2
National Flood Zone 3
Within Green Belt other than GB4 GB5
North South Line
Within 500m of Site of Importance for Nature Conservation NC1

CALL IN

Councillor Harris has requested that the application be referred to the Planning Committee regardless of the Officer's recommendation.

SITE LOCATION

This application relates to two agricultural buildings to the south of Hollow Way Lane which are part of Rowan Farm, located in the open Green Belt and Chiltern Area of Outstanding Natural Beauty. The site is accessed off an existing access track off Hollow Way Lane leading to Rowan Farm and a residential dwelling. The track runs along the southern boundary of the site and continues south-eastwards. The barns are located about 11 and 3 metres from this track.

THE APPLICATION

This application is for the change of use of two agricultural buildings to a dog kennel for boarding, including insertion of 58 dog pens into buildings. The buildings measure respectively 12.2 and 18.3 metres long and 9.2 metres wide. They have a pitched roof to a height of 4.7 metres and would be partly open sided with boarding and steel sheeting.

RELEVANT PLANNING HISTORY

CH/2002/1911/FA - conditional permission - Change of use of building to office use.

CH/01/531/FA - conditional permission - Erection of two agricultural buildings.

CH/77/319/FA - conditional permission - Agricultural bungalow.

PARISH COUNCIL

Comments were received from the Town Council on 13 October and the committee recommends refusal of this application on the grounds of highway safety concerns and noise.

REPRESENTATIONS

A total of 86 letters of representation have been received. All letters were letters of objection. The comments can be summarised as follows:

- Inadequate access;
- Detrimental to the rural character of the Green Belt/AONB/intrusion into countryside;
- Noise/disturbance/barking day and night, noise, 58 pens could house 2 dogs each - total could be 100 dogs, impact on residents and amenity, contrary to Chiltern Conservation Management Plan which states that tranquility of landscape should be conserved;
- Smell;
- Traffic/parking/extra cars causing gridlock/sharp bend at bottom of hill/poor visibility/no pavement/particularly unsafe when road is flooded/cars wait to go up hill outside farm access as road width is reduced/blind bend/risk to road users/safety of pedestrians/Hollow Way Lane cannot cope with additional traffic, lack of parking information;
- Possible floodlights/external lighting would disturb residents/ light pollution/affect AONB;
- Biodiversity: impact on wildlife/badgers, foxes, deer, owls, red kites;
- Incorrect floor space;
- Would affect house value;
- Buildings: semi-open buildings will cause noise to reverberate which affects neighbours;
- Hours of operation, dogs need constant monitoring, additional car movements;
- Concerns about disposal of waste/waste water run-off into River Chess/lack of information/pollutants from dog kennels affecting soil/water;
- Consultation has been limited, many residents are objecting;
- Has owner applied for licence?
- Possibility of breeding could lead to more dogs;
- Negative effect on view of Chess valley;
- Already sufficient supply of dog kennels in area;
- Unclear whether and where dogs are going to be walked.

CONSULTATIONS

Buckinghamshire County Council Highways Authority

Object - The Highways Officer comments as follows. Hollow Way Lane is an unclassified road subject to the National Speed Limit. Within the vicinity of the site, neither street lighting nor footways are present, and as such pedestrians are required to walk within the carriageway. Proposals include the change of use of storage sheds to 58 dog pens for commercial uses.

When considering trip generation, you have informed me that the storage sheds currently on site are ancillary to the existing farm operation on site, and as such would not be a material trip generator in their own right. Limited information has been submitted to detail how the proposed dog kennel boarding would work in practice, and the TRICS® (Trip Rate Information Computer System) does not contain any available data in relation to dog kennels. However, I consider that as a worst-case scenario, all 58 dog pens could be used by separate individuals at any one time, and could lead to a significant number of vehicular movements to and

from the site. As the site would however, be subject to an intensification in use, the access arrangements serving the site will need to be assessed in order to determine its suitability to accommodate the anticipated level of vehicular movements.

As Hollow Way Lane is subject to the National Speed Limit in the vicinity of the site, visibility splays of 2.4m x 151m are required, in line with current Manual for Streets guidance.

Having visited the site, and correlated the submitted location plan with a plan detailing the highway extents for the area, visibility splays of 2.4m x 34m are achievable to the right upon exit, which would be in line with vehicle speeds of 26mph. Whilst I acknowledge that vehicles are unlikely to be travelling at the National Speed Limit in this location, there has been no evidence submitted alongside this application to suggest that vehicles are travelling at 26mph in this location. To the left upon exit, adequate visibility splays can be achieved, given the significant level of land under the control of the applicant. However, this would require a significant removal of hedgerow to provide the visibility splay.

In terms of access width, as noted above, I must assess the application based on the worst-case scenario. I note that the access currently measures in the region of 3.6m, and in order to accommodate two-way vehicular flow, the Highway Authority would require the access to measure 4.8m.

Whilst no details have been submitted showing an area within the site for the exercising of dogs, it may be the case that dogs could be walked along the highway in this location, which, given the relatively narrow width of Hollow Way Lane in this location, would not be considered acceptable to the Highway Authority. Another option for the exercising of dogs in this location would be to cross the road, and utilise the existing public footpath to the east of the site. This, however would involve pedestrians crossing the road at a blind bend and would also lead to instances of vehicles undertaking unexpected braking manoeuvres and danger to pedestrians.

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

Environmental Health

Object - On behalf of the Head of Healthy Communities Environmental Health have the following comments to make in relation to the application. The application has been reviewed and a visit to the area has been undertaken. Environmental Health object to the proposed application for the following reasons:

1. Lack of detailed information submitted with the application.
2. Inappropriate location for such a business due to the close proximity of nearby sensitive receptors (dwellings) - Impact of noise from the operation of the business.
3. No available mitigation to offer.

Environment Agency

We have no objections to the proposed development. Please be aware that there are areas of Flood Zones 2 and 3 within the red line boundary. No Flood Risk Assessment (FRA) has been submitted in support of this application. As this is a change of use application, demonstrating safe access and egress is the main consideration.

Buckinghamshire County Council Sustainable Urban Drainage Systems (SuDS)

Having reviewed the information submitted to accompany this application, Buckinghamshire County Council as the Lead Local Flood Authority (LLFA) has no comments on this planning application as the impermeable area is not increasing and therefore will not be increasing surface water runoff.

Strategic Environment

The proposed development involves a change of use of land and two existing storage sheds to dog kennels for boarding, including insertion of 58 dog pens into buildings. There are several sites within close proximity of the site that have had a previous potentially contaminative use. These include the Chesham Sewage Works and some gravel pits to the north (1898-1899), a sewage works (Chesham U.D.C.) (expanded) (1924-1925), a sewage works (further expanded) (1960-1976). The site is in close proximity to a scrapyards and a sewage works. The aerial photograph of the site indicates that some of buildings may have corrugated cement roofing sheets forming the roof covering. Consideration should be given to the possibility that these roofing sheets may contain asbestos fibres. The proposed development does not involve a sensitive end use. It is unlikely that any groundworks will be necessary. The risk to future users of the site is therefore reduced. An assessment of the risks posed by the site is therefore not required.

The application requires a standard contamination condition.

Building Control

Disabled access - The building control officer has no comments to make.

POLICIES

National Planning Policy Framework, July 2018.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS19, CS20, CS22 and CS24.

Chiltern District Local Plan 1997 (including alterations 1 September 2001) Consolidated September 2007 and November 2011 Saved Policies: GC1, GC3, GC10, GB2, GB29, LSQ1, TR2, TR3, TR11 and TR16.

EVALUATION

1. The site is within the open Green Belt where most development is inappropriate development and there is a general presumption against such development. Chapter 13 of the National Planning Policy Framework (NPPF) emphasises the importance of Green Belts and states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

2. Paragraph 146 of the NPPF outlines some exceptions to this, including the re-use of buildings provided that the building is of permanent and substantial construction and provided the development preserves the openness of the Green Belt and does not conflict with the purposes of being included within the Green Belt.

3. Meanwhile, Policy GB2 of the Development Plan permits the change of use of existing permanent and substantial buildings in the Green Belt, in accordance with the other relevant development plan policies. Policy GB29 specifically relates to the re-use of existing buildings in the Green Belt for commercial, industrial, recreational or other uses (except residential uses covered by policies GB10 or GB11) and states that this will be permitted if it does not result in employment generation on a significant scale, does not conflict with Policy GB24 (loss of community facilities) and it is not "inappropriate" development. In addition, it should be clearly demonstrated to the Council by the applicant that the building has been substantially complete and has existed for many years; the building is of permanent and substantial construction, and has a form, bulk and general design in keeping with its surroundings; the building should be in a sound structural condition and the amount of new building works to make the building suitable for the proposed purpose should not involve such substantial alterations and/or new building works as to amount major reconstruction or be tantamount to the construction of a new building; and; the Council must be satisfied that the proposed residential use

would not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land within it.

4. Based on the above, it is necessary to consider whether the buildings are of permanent and substantial construction and whether the works required to facilitate the conversion would amount to the construction of a new building. A structural report has not been submitted with the application but as the buildings have been given planning permission in 2001 it is considered given the age of the buildings and following the officer's site visit that the buildings will have been in place since the early 2000s and are reasonably sound. Furthermore no internal changes are proposed other than installing a concrete floor and dog pens.

5. The business will employ two staff, these are existing staff and it is intended to use the existing parking area to the front of the adjacent building to the west. It is not considered that it would generate employment on a scale which would prejudice policy GB29.

6. Therefore it is concluded that the change of use itself is acceptable in principle, provided it does not have a greater impact on the openness of the Green Belt or conflict with the purposes of including land within it.

Green Belt

7. The size of the buildings will remain the same and therefore the conversion to a dog kennel will not in itself affect the openness of the Green Belt. The access to the buildings is through the existing access off Hollow Way Lane along a track serving Rowan Farm and the residential dwelling. There is existing hardstanding leading to the parking area to the north-west of the agricultural buildings. There is therefore no detrimental impact on the openness of the Green Belt as the existing hardstanding will be utilised. As such, it is considered that the harm would be minimal and therefore the proposal does not represent inappropriate development in the Green Belt and is acceptable in principle.

8. Policy CS19 seeks to support the rural economy and proposals for agricultural diversification will be supported where this will benefit the local community and not conflict with policies for the Green Belt and AONB. It is recognised that the dog kennel is an additional activity to diversify Rowan Farm and the principle of a diversified use of the land is acceptable. Furthermore, the dog kennel is of benefit to the local community.

Chilterns AONB

9. The site lies in the AONB, which is a nationally protected landscape. Policies LSQ1 and CS22 require that development should conserve and enhance the rural landscape, and the importance of such landscapes is reflected in the NPPF. The area is near to the edge of the settlement and consists of a mosaic of agricultural fields, rural lanes bound by characteristic hedging, and areas of dispersed dwellings. The external impact of the proposal around the buildings is unlikely to harm the landscape character of the area, as the development itself is inside the buildings. However, the lack of information regarding traffic movements means it is not possible to ascertain the impact of additional traffic on the rural lanes and hence whether the proposal would be harmful to the tranquillity and scenic beauty of the AONB landscape. Furthermore, the Highways Officer comments that in order to provide the required visibility splays, extensive lengths of hedging would need to be removed from alongside the lane, by the access. These hedges contribute to the rural character of the area and to remove large sections would neither conserve nor enhance the natural beauty of the landscape. As such the proposal is contrary to Policies LSQ1 and CS22.

Residential Amenity

10. The site lies in a valley close to residential properties to the north-west (88m) and east (51m) and south (20m). Dwellings to the south/south-west/north and north-west are within 225, 300 and 435 metres

away from the buildings. The buildings are open from the front and have horizontal cladding with gaps in between which would allow for noise to go through. The Council's Environmental Health section has assessed the application and considers that the proposed use will give rise to noise or disturbance from the dogs given the proximity of residential dwellings in the vicinity. They object to the application and comment that there is a lack of information and mitigation. It is considered that the noise disturbance caused by the dogs would cause the nearby occupiers to experience a harmful effect to the enjoyment of their dwelling house. Although the storage sheds would generate some vehicular activity and a certain degree of noise and disturbance should be expected by the neighbouring properties, inadequate information has been submitted with regards to the number of vehicles likely to be entering and leaving the site on a daily basis, therefore it is difficult to determine the exact level of additional disturbance caused to the neighbours. Notwithstanding this, on the basis of the information submitted, the proposed use would be harmful to the amenities of the neighbouring properties as it would intensify the use of the site and would result in additional noise nuisance from barking dogs and vehicles, and so would be contrary to policy GC3 of the Chiltern District Local Plan.

Parking/Highway implications

11. The applicant has not provided information about car parking other than the application form, which states that 14 car parking spaces would be provided, which is the same number as the existing car parking spaces. The applicant has clarified that parking would be provided to the north-west of the wooden buildings adjacent to the storage buildings on the site where the current car parking spaces are provided for the (former) office use.

12. The Highway Authority considers that the operation proposed would result in a material increase in the number of vehicle movements associated with the use. They have assessed the visibility splays and they are inadequate. Insufficient information has been provided how the kennel would work in practice and a worst-case scenario has been applied by the Highways Officer to inform the assessment of vehicle movements. Visibility splays of 2.4 x 151 metres are required as Hollow Way Lane is subject to the national speed limit and insufficient visibility splays can be achieved on the site. The access width is currently 3.6 metres and would be too narrow as a width of 4.8 metres is required to accommodate two-way vehicular flow. There are no proposals to widen the access, as this land is outside the red edge denoting the application site, on the location plan. No details have been submitted showing an area within the site for exercising the dogs and concerns are raised with regard to safety of pedestrians and highway users, as it could be possible that dogs would be exercised along Hollow Way Lane or the road would need to be crossed to use the existing public footpaths. Objections are therefore raised against policies TR2 and TR3 of the Chiltern District Local Plan and the Buckinghamshire County Council Highways Development Management Guidance document.

Flooding

13. Surface water - The SuDS officer on behalf of the Lead Local Flood Authority (LLFA) at Buckinghamshire County Council is satisfied that the surface water runoff will not be increasing and has no objection to the proposal. No objection is therefore raised against Core Strategy policy CS4.

14. Flood Risk - The Environment Agency confirms that the application site falls within Flood Zone 2 and 3 and has no objections. They also comment that no Flood Risk Assessment (FRA) has been submitted in support of this application. The lack of an FRA prohibits the council from assessing the impact of the proposed change on safe access and egress of the site. The proposal is therefore contrary Core Strategy policy CS4 and paragraph 163 of the National Planning Policy Framework.

Working with the applicant

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

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

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

In this case, Chiltern District Council has considered the details as submitted which were not considered acceptable.

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

RECOMMENDATION: Refuse permission

For the following reasons:-

- 1 The dog kennel operation would, on the basis of the information submitted, have an unacceptable impact on the amenities of the neighbouring residential properties, particularly in Hollow Way Lane by virtue of the unacceptable levels of noise and disturbance created by the operation and the close proximity to those properties. As such, the application is contrary to policy GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.
- 2 No Flood Risk Assessment was submitted with the application. Whilst the proposal is not considered to increase water run-off or flooding in the area, it must demonstrate satisfactory access and egress for users of the facility in the event of a flood, given the location of the site within Flood Zones 2 and 3. As there is a lack of information relating to how the business would be run, the number of people on site, frequency of visits and number of vehicle trips, it is not possible to conclude, on the basis of the information available, that the proposal would provide for safe access and egress in the event of flooding. As such, objections are raised in relation to policy GC10 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, policy CS24 of the Core Strategy for Chiltern District (Adopted November 2011) and the requirements of the NPPF.
- 3 The site lies in the Chilterns Area of Outstanding Natural Beauty (AONB), which is a nationally protected landscape. The area is near to the edge of the settlement and consists of a mosaic of agricultural fields, rural lanes bound by characteristic hedging, and areas of dispersed dwellings. The lack of information regarding traffic movements means it is not possible to ascertain the impact of additional traffic on the rural lanes and hence whether the proposal would be harmful to the tranquillity and scenic beauty of the AONB landscape. Furthermore, in order to provide the required visibility splays from the vehicular access, extensive lengths of hedging would need to be removed from alongside the lane. These hedges make a significant contribution to the rural character of the area and to remove large sections would neither conserve nor enhance the natural beauty of the landscape. As such the proposal is contrary to policy LSQ1 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, policy CS22 of the Core Strategy for Chiltern District (Adopted November 2011) and the NPPF.
- 4 The proposed development would result in an intensification of use of an existing access at a point where visibility is substandard and would lead to danger and inconvenience to people using it and to

highway users in general. Furthermore, the proposed means of access to the site is inadequate by reasons of its width to serve the proposed development with safety and convenience. The development is contrary to the National Planning Policy Framework, the aims of Buckinghamshire's Local Transport Plan 4, saved 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 the Buckinghamshire County Council Highways Development Management Guidance document (adopted July 2018).

- 5 Insufficient information has been submitted by the applicant regarding the operation of the business and therefore the highways, traffic and transportation implications of the proposed development cannot be fully assessed. From the information submitted, the additional traffic likely to be generated by the proposal would adversely affect the safety and flow of users of the existing distributor road network, contrary to the National Planning Policy Framework, the aims of Buckinghamshire's Local Transport Plan 4, saved 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 the Buckinghamshire County Council Highways Development Management Guidance document (adopted July 2018).

PL/18/3406/OA

Case Officer: Mark Aughterlony
Date Received: 14.09.2018 Decide by Date: 14.12.2018
Parish: Chalfont St Giles Ward: Chalfont St Giles
App Type: Outline Application
Proposal: Erection of a 2.5 storey building comprising a coffee shop at ground floor level, with 7 x 1-bed flats and parking for 9 cars.
Location: Site Of Former
The Miltons Head Public House
20 Deanway
Chalfont St Giles
Buckinghamshire
HP8 4JL
Applicant: Mr F Lumba

SITE CONSTRAINTS

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

Call In

Councillor Bray has requested that the application be referred to the Planning Committee if the officer recommendation is to approve the application. His objections are to do with parking, especially disabled parking and disabled access to the flats, as well as other (unspecified) aspects of the application that he is concerned about.

SITE LOCATION

The site is located on the northern side of Deanway, with Milton Hill located to the immediate east (RHS) of the site. To the south, on the opposite side of the road, are fields which are located within the Green Belt and the Conservation Area, the boundary of which then extends eastwards towards the village centre. To the immediate west (LHS) is a detached property No.22 Deanway. In the road to the front of the site are 'zig zag' lines which form part of the zebra crossing situated between the application site and No.22.

THE APPLICATION

The application seeks outline planning permission for the erection of a 2.5 storey building comprising a coffee shop at ground floor level with 7 x 1-bed flats and parking for 9 cars. All matters are to be considered at this stage (access, appearance, layout and scale) save for landscaping.

The site was previously occupied by a public house although, following a fire, the building was demolished for safety concerns.

The proposed building would be set back from the edge of the footpath between 2.4 - 2.8m and would have a width of 15.8m, a depth of 13.6m, a ridge height of approx. 9.3m with an eaves height of approx. 6m. The building would have hipped ends and would be constructed of external brick and render under a slate roof. The building would contain windows at ground and first floor levels in both the front and rear elevations whilst one first floor window would be provided in the side (west) elevation and a ground and first floor window would be provided in the other side (east) elevation. Three dormer windows would be provided in both the front and rear roof slopes.

The proposed ground floor would comprise a coffee shop (with public floor space of approx. 56 sq. m), kitchen, store, 2 x disabled access WC's and staff WC. Also on the ground floor is proposed is 1 x one bed flat, of approx. 42 sq. m, which would be accessed via a pedestrian access door in the rear elevation. Furthermore, two parking spaces would be provided within the building, also accessed from the rear. The first floor would accommodate 4 x one bed flats, ranging from 38 sq. m - 41.5 sq. m in floor space whilst two further one bed flats would be provided within the roof space, each of 45 sq. m.

The existing access located to the immediate RHS (east) would be utilised and improved - the dropped kerb is proposed to be increased in width - leading to the provision of seven external parking spaces which would be positioned towards the rear (southern) boundary of the site, beyond which would be provided a communal garden area for use by the occupants of the proposed flats. (Minor) amended plans have been received which show an area of (communal) bin storage measuring approx. 13 sq. m to be provided in the rear north-eastern corner of the site, at the end of the row of proposed parking spaces.

A D&A statement submitted with the application states that: -

- the coffee shop (Use class A3) would only open during the day,
- the coffee shop use would provide full time employment for 2 people
- the rear garden would be for the exclusive use of the flats,
- an area to the front of the coffee shop is designed to have outdoor tables,
- all deliveries to the coffee shop would be from the side of the building (meaning that the rear area would not be used for deliveries/servicing), and
- the coffee shop has a lesser floor area and is a more low key use than the previously proposed PH use, thus allowing for an acceptable living environment future occupiers.

RELEVANT PLANNING HISTORY

CH/2018/0887/OA - Outline planning application for the erection of 2.5 storey building comprising a public house at ground floor level, with 6 x 1-bed flats above and associated parking (matters to be considered: access, appearance, layout and scale; matters reserved - landscaping).

This application was refused by the Planning Committee on 6th September 2018, for the following reasons:

1. By reason of its depth, height and proximity to the neighbouring dwelling at 22 Deanway, the proposed building would appear visually intrusive and overbearing to the occupiers of this neighbouring property when viewed from their rear windows and rear garden area. This would be harmful to the amenities and living conditions of the neighbouring property and the proposal therefore fails to comply with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

2. The proposed mixed use would introduce residential units above a Public House. The new flats would also be located close to manoeuvring areas for deliveries to the Public House and the outdoor amenity space would be shared with the Public House and accessed through the car park. This arrangement of the two uses would result in a poor living environment for the future occupants of the flats and the disturbance associated

with the Public House, vehicular movements and general comings and goings to and from the Public House would be detrimental to the residential amenity of the future occupants of the flats. As such, the proposal is contrary to Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

Following the refusal of the last application the agent has engaged in proactive discussions with Officers in order to try and overcome the above reasons for refusal. The current application is a direct consequence of these discussions.

PARISH COUNCIL

Chalfont St Giles Parish Council object to the application, their comments being repeated as follows:-

- The parking provided does not comply with policy TR16 of the Chiltern District Local Plan 1997 as there are not enough spaces for the residents and the business and there are no disabled driver's parking spaces. There is also not room on the site for the loading, unloading and manoeuvring of goods vehicles.
- The building is still too close to the property at 22 Deanway.
- Dormer windows are not in keeping with the character of the area.
- The front boundary on the plans is in front of the building line of the existing properties.
- The proposed building is 2.5 storeys high and is not in keeping with other buildings in the area which are mainly 2 storeys high.
- The view from Milton's Cottage, a prominent historical building, within the conservation area will be affected by the proposed plans.
- The plans are contrary to policy H7 of the Chiltern District Local Plan 1997 where the conversion of a property is only acceptable when it can be achieved without significantly damaging the character and appearance of the immediate locality or impairing the amenities of the occupiers of adjacent properties".

REPRESENTATIONS

Approx. 25 letters of representation have been received to the application, their summarised material comments being as follows: -

(Bulk/Scale/Character)

- a coffee shop and 7 residential units would constitute overdevelopment of a restricted site
- the proposal is bigger, too imposing and too large for the site
- although these new plans are reduced in depth and further away from the neighbouring property (by the grand sum of 35cms) this is still a big development for this site
- The bulk of the building is out of character with surrounding residential property
- strongly object to the second floor containing any residential property. If the proposal was for a coffee shop on the ground floor with 4 flats above at first floor level only with a standard pitch roof, in keeping with the original building above, this would be more acceptable
- a residential development for a pair of semidetached two storey houses or a terrace of three, two storey homes would be much more in keeping with the surroundings
- a precedent could be set by a growing trend of demolished buildings along Deanway being developed into flats, harming the environment for the future.
- The building proposed is 2.5 stories high and as such is overbearing for its location.
- 7 flats in addition to a public amenity space is a ridiculous over use of what is actually a small building footprint. In order to fit sympathetically into the street scene any new building should be the same height as the 100 year old pub which was demolished, and should not have dormer windows in the roof - i.e. it should be no more than two stories high.
- additional vehicles that will result from the proposals will inevitably be detrimental to the character of the conservation area

(Privacy/amenity)

- The scheme is much larger than its neighbour, would appear overbearing and would impact on the privacy and amenity of No.22 Deanway
- Loss of privacy to gardens and living space would result
- Occupants of the flats would have to walk across the car park to access their gardens, which would not be private.
- Contrary to the text of the design statement No. 22 Deanway has a window on the side of the house which overlooks the site and will therefore suffer a loss of amenity.
- Members are asked to visit the site again before they discuss this application

(Access/parking)

- The proposal is considered to have totally inadequate access
- Traffic associated with a coffee shop and 7 flats would create an intolerable hazard on Deanway, which is an already busy and congested road
- A pedestrian crossing is nearby, used by local school children - more traffic to a coffee shop and the flats would present an additional hazard
- Parents are encouraged to park in the village car park and walk their children to school to alleviate problems created by school parking in the streets. Consequently parents walk to the First School on School Lane to drop off the youngest children, and then walk down Milton Hill and use the pedestrian crossing outside No. 20 Deanway to access the alleyway opposite which leads directly to the Junior School. When the pub landlords car was the only vehicle associated with the Miltons Head building, this was not a problem. With this new design, there will be potentially 9 vehicles using the driveway adjacent to Milton Hill, in addition to delivery vehicles for the coffee shop which will also have to park in the driveway. This will cause danger to pedestrians walking from Milton Hill to the pedestrian crossing, and also the delivery vehicles could obstruct the vision of residents' vehicles entering or leaving the car park at the rear.
- Potentially 14 cars would be generated by the flats yet only 9 spaces are provided and no provision has been made for visitors
- Due to the existing on-street parking situation Deanway is effectively a one lane road
- There is a lack of disabled parking provision
- Car parking would cause additional noise to neighbouring properties that they have never had in the past
- Insufficient parking for customers of coffee shop and no safe parking for delivery vehicles
- The prospects for passing trade for takeaway coffee are negligible (particularly given the lack of parking facilities)
- The public area of the coffee shop also contains two WC/washroom facilities for customers, one of which is a designated disabled facility. The reasonable conclusion is therefore that the coffee shop is intended to operate as a café, as opposed to a shop or hot food takeaway
- Policy TR16 requires that proposals for cafes must include 1 parking space per 4m² of public floorspace or part thereof. The submitted plan of the ground floor allocates approximately 67.5 m² to public floorspace (i.e. the area of the coffee shop including the customer toilets, but excluding the kitchen, store and staff toilet). The minimum amount of parking provision for the coffee shop is therefore 17 parking spaces.
- To allow the application would be to contravene policy TR16
- For developments of flats with two or fewer habitable rooms TR16 requires 1 parking space per flat plus 1 visitor space per four flats, thus, for the present application a minimum of 7 spaces plus 1 visitor space must be allocated to the flats, a total of 8 spaces (contrasting with the 7 spaces indicated in the application as being allocated to the flats).
- Taking account of the parking requirements for the residential flats, the aggregate requirement for the site on a proper application of Policy TR16, is 25 parking spaces. Accordingly, the shortfall in the proposals is 16 spaces (64% of the requirement of Policy TR16).

- Further requirements of TR16 are not met, namely facilities or loading and unloading and manoeuvring of goods vehicles and adequate secure covered facilities for parking cycles and motorcycles
- Paragraph 9.26 of the Local Plan states that, in applying Policy TR16 where a site has more than one existing or proposed use, the requirements of each use will be assessed separately - therefore the provisions for resident parking, coffee shop parking and goods delivery cannot be shared
- a beneficial development could be devised that does not breach Policy TR16
- there is inadequate authorised public parking space available within a reasonable distance of the development site
- existing chaotic and vexatious on-street parking problems would be exacerbated
- no controls over on-street parking exist which would prevent additional parking generated by the development from reducing highway safety
- The Case Officer's report on the previous application noted, in relation to parking provision, that the previous pub building did not provide car parking spaces. As this application is not a faithful reconstruction of the previous building this is no longer a relevant consideration, which is proposing a distinctly different economic use of the site
- It is possible, though surely stretching credibility, that the applicant may succeed in asserting that the appropriate use classification for the coffee shop is either retail (A1) or hot takeaway (A5). However, in either case, the parking provision still fails to meet the requirements of Policy TR16, as set out below.
- Reference is made to Bucks CC guidance on parking
- Referencing of the Bond House development in the application is incorrect as the parking provision there is wholly inadequate. Experience of living close to those flats shows that two people occupy a one bedroom flat, both with cars: whoever arrives home first parks on street leaving the reserved space free for the second occupant to park, therefore clogging up parking on Deanway and adding to congestion.
- The village is served by 4 buses per day in each direction, none of which connect with the local stations. No bus services run on Sundays. Consequently if the flats are to be occupied by working people, they will need to have at least one car at their disposal in order to get to work
- A scheme of traffic calming measures in Deanway has recently been implemented by TfB, paid for by a grant from the Local Area Forum. This scheme involves parking bays painted onto the road (and in some cases partially onto the kerb) on alternate sides of Deanway to provide a natural chicane which will hopefully slow the traffic. The TfB surveyors carefully located each bay to provide maximum parking spaces whilst allowing safe access to driveways along Deanway. The consequence is that there are sufficient bays to cater for the number of cars currently owned by the residents of Deanway. There are three spaces outside Bond House. There are none outside 20 Deanway because of the position of the pedestrian crossing. Consequently, there will be no parking overspill on Deanway for the residents of any of the proposed flats. This will have a direct impact on the residents of Hillside Close and other surrounding side streets.

(Other issues)

- There are two coffee shops in the village already
- The site is in the midst of a residential area, where few, if any, local residents are likely to leave their homes merely to obtain takeaway hot drinks from the coffee shop
- The proposal would be contrary to policy S9
- The ground floor coffee shop in itself could be regarded as a useful local amenity but is likely to be commercially unviable and as such could well end up being another flat
- Regard should be had to the Chiltern & South Bucks Townscape Character Study, which forms part of the Emerging Local Plan Evidence Base

CONSULTATIONS

County Highways Authority

BCC Highways raise no objection to the application subject to the imposition of three conditions and an informative.

Ecology

No objection subject to the imposition of two conditions and an informative.

Building Control

In respect of the latest received plans the Senior Building Control Surveyor has confirmed that means of escape from the common staircase now complies with the current building regulations.

Environmental Health - Senior Environmental Protection Officer

Raise no objection subject to the imposition of a condition relating to unexpected contamination and an informative.

Environmental Health - Noise and Odour

Recommend that their previous observations and comments made in respect of the last application still apply.

POLICIES

National Planning Policy Framework (NPPF) July 2018.

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

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

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

EVALUATION

Principle of development

1. The application site is located within the built up area of Chalfont St. Giles, wherein proposals for replacement buildings are acceptable, subject to complying with relevant Development Plan Policies. Furthermore the proposal is adjacent to the village centre conservation area where, in accordance with Policy CA2, proposals should preserve or enhance the views out of and into the conservation area.

2. This application has been submitted following the refusal of the last planning application (CH/2018/0887/OA) for the erection of a replacement PH with six flats above, which Members considered at their meeting on 6th September 2018. Whilst the officer recommendation was one of approval Members considered the application to be unacceptable and refused planning permission for the two reasons repeated in the planning history section of this report above.

Comparison with previous scheme

3. The previous officer report stated that as that proposal incorporated the erection of a replacement PH (as well as flats on the floors above) the proposal was considered to comply with policy CSF1 which relates to the 'Provision Of Community Services And Facilities In The Built-up Areas Excluded From The Green Belt Including the District and Local Shopping Centres As Defined on the Proposals Map'.

This policy reads in full as follows: -

Within the built-up areas excluded from the Green Belt including the District and Local Shopping Centres as Defined on the Proposals Map, development for community services and facilities will be acceptable provided that:

(i) the proposal would not involve the loss of residential land or an existing dwelling, unless:

(a) it can be shown that the loss cannot be avoided because there is no other suitable land or buildings available in the area; and

(b) it can be demonstrated to the satisfaction of the Council that the service or facility to be provided is either not currently available in the area, or demand is in excess of the existing level of supply.

or

(c) the application site is located as described in clause (b) of Policy H9 and

(ii) the proposal would not be detrimental to the character and amenities of the area in which it would be located by reason of its appearance, layout, noise, traffic generation, vehicle parking, loss of landscaping or general disturbance and

(iii) other Policies in this Local Plan would be complied with.

4. Whereas the previously refused application involved the provision of a replacement PH (on the ground floor), this application now proposes the provision of a coffee shop within part of the ground floor.

Authorised planning use of the site

5. Members will recall that when the previous application was considered at the meeting in September there was considerable debate as to what was considered to be the authorised planning use of the site, given that the former PH building had been demolished following a fire and that the proposal sought a mixed use - a PH on the ground floor with independent residential accommodation in the form of six flats on the floors above.

6. Following the last meeting, the views of the Head of Legal Services have been sought as to what the authorised status of the site is considered to be, given the view (previously) expressed by Members at the previous meeting that any re-development of the site should be for one (specific) use, or the other, but not both (i.e. a mixed use).

7. A summary of the legal advice received is as follows: -

"Having researched this matter further:

The case of Iddenden v SoS for the Environment [1972] is a Court of Appeal case which remains good authority for the proposition that if a building is demolished then the authorised user is lost and the resulting land has a nil use. In that case three nissen huts and a lean-to were on a site formerly used as an agricultural small-holding and depot for contracting and repairs. A new owner applied for planning permission to demolish the existing buildings and erect 3 new buildings for their manufacturing business. This was refused but they carried out the development anyway and an enforcement notice was issued requiring the demolition of the unauthorised buildings. The case was principally concerned with whether the Notice should have also required reconstruction of the buildings formerly on the site, and Lord Denning MR gave the leading judgment, but Buckley LJ in his judgment stated:

"....argument has proceeded on the footing that if the steps which the authority require to be carried out do not include the reinstatement of the buildings which were previously on the land or their equivalent the appellant will be left without the enjoyment of the established use which he had acquired in relation to those buildings before they were demolished and that therefore an enforcement notice in this form will leave him in a worse position than he would have been in if no demolitions had been carried out. The LPA's barrister has answered that argument by saying that the appellant in fact destroyed his own established use by destroying the buildings which previously stood upon the land, and this seems to me to be a valid point. The appellant will not, I think, suffer any injustice in the circumstances which exist. He will not be deprived of any value in his own property as a result of anything done by the planning authority. Such value as has been lost to him by putting an end to his rights to the existing use of the land which was in operation before the old buildings were taken down is a loss which he has brought on himself by his own act."

This was not strictly applied, but was referred to, in Innes v SoS for Communities & Local Government [2016] which concerned 2 applications for certificates of lawfulness, one for "the re-siting of an existing ready mixed mortar mill" and the other for "the use of the land for the stationing of a mobile mortar plant" on land granted planning permission in 1949 for the winning and working of sand. As the previous mortar mill had been removed from the site in 2002 the Inspector had stated in his decision letter that:

"As cited by the Council and set out in Iddenden by Buckley LJ, when a building is demolished any use rights are then lost..." The High Court upheld the Inspector's conclusions, Dove J stating:

"The point is, in my view, perfectly clear from the planning permission and whilst Iddenden is undoubtedly helpful by way of analogy in any event as a matter of principle the only use which that consent brought with it was a right, as I have set out above, to use or operate the plant itself. When the plant went, the right to use that plant departed with it."

It is worth looking at the many Inspectorate decisions referred to in the Development Control Practice Manual (DCPM) which includes a 2007 case in Wycombe where the Council had claimed that although a pub had been demolished in 2004, the hard surface used as its car park remained, as did its former beer garden so its lawful use as a pub remained and its redevelopment would amount to the loss of a valuable community facility. The Inspector held that the use could not exist without a building and the car park and garden had been ancillary to the primary use of the building so without that they had no life of their own, but were "a limb on the corpse and just as dead".

As a consequence the site had a nil planning use and its redevelopment for housing was not contrary to policy and would not lead to the loss of a community facility.

An Inspector, in a 2013 appeal in Leicestershire, had been referred to another Inspectorate decision in Warwickshire here the principle from Iddenden; that if a building is demolished or falls down, any existing use rights disappear with it, does not necessarily apply if the use is not dependent upon the existence of a building for it to continue. Therefore the demolition of buildings on site resulted in the loss of the rights to operate a cement distribution depot in the way it had previously existed, but as the depot involved a range of activities not confined to buildings, class B8 storage use could continue outside of any building, on the cleared site. The Leicestershire case's Inspector did not follow that approach as regards demolition of 3 dwellings in 2007, with which he was concerned, finding that although the gardens remained it was not appropriate to say any lawful residential use remained in the absence of the attendant dwellings, so the site had a nil use.

Thus it would follow that in this particular case a public house use depends upon the existence of a building used as such, and following its demolition the site has a nil use.

For the sake of completeness, some Inspectors have come to a different conclusion based on concepts of "fairness", which of course was a factor in the Iddenden decision itself. DCPM refers to a 1997 decision where a dwelling which had been destroyed in a fire caused by arson, was permitted to be replaced as though it complied with the Council's policy permitting the replacement of dwellings "where an existing use right existed and the building was capable of being made habitable without extensive rebuilding" as it was held to be "only fair and reasonable to assess the proposal as if the building was in its pre-fire condition". This was also the result in a 1990 Inspectorate decision where a dwelling had only been taken down in compliance with a demolition order.

However, as in this case the applicant is seeking to replace the public house (albeit together with C3 units) the apparent unfairness of a loss of use rights would not appear to arise. Further, the fact that, until relatively recently, a public house operated from the site without apparent loss of amenity to residents must be a material consideration in the determination of the current application".

8. Given the above advice, and although the former PH was destroyed as a result of fire, the site currently has a nil use and therefore, unlike the consideration of the previous application, policy CSF1 is not now considered relevant as the community facility, a PH, is no longer present on site nor is it proposed to be replaced. Rather, the proposal is for the erection of a building comprising a café (Use class A3) on part of the ground floor with separate residential accommodation to be provided within the remainder of the building.

9. Reference is made by objectors to the failure to comply with policy S9. However, this policy relates to residential uses on upper floors in district and local shopping centres as defined on the Proposals Map. As this part of the village is not located within a defined district or local shopping centre it is not therefore relevant to the consideration of this application.

Design/character & appearance

10. The previously refused application proposed a building that had a width of 15.8m, a depth of 14.3m and a ridge height of 9.3m (with an eaves height of 6.2m). The building was shown to be set back from the edge of the road by between 6 - 7.2m. The design of the building was considered by officers to be somewhat reflective of that which existed previously. However, it was acknowledged that the number of first floor windows was greater, the two storey width was greater, there was to be (separate) accommodation provided within the roof space and thus an increase in the ridge height.

11. By comparison, the current proposal involves a building that would have a width of 15.8m with a depth of 13.6m and a ridge height of 9.3m (and an eaves height of 6m). It would be set back from the edge of the road by between 5.2m - 6.4m whilst a maximum distance of 19.5m would be provided from the back of the building to the rear boundary. A distance of approx. 2.3m would be retained to the western boundary whilst approx. 4.8m would be retained to the eastern boundary.

12. The current scheme therefore proposes a building which is less deep (0.7m) and set forward a maximum of 0.8m closer to the road when compared to that considered previously.

13. As acknowledged previously, there is considered to be no consistent vernacular in the immediate locality of the site. Members will recall debating at length the design, bulk and scale of the previously proposed building and its appearance in the street scene. However, whilst the first of the previous reasons for refusal referenced the unacceptability of the depth and height of the proposed building, this was only in the context of it appearing visually intrusive and overbearing when viewed from the rear windows and rear garden area of the neighbouring dwelling, No.22 Deanway. Members should note that they did not refuse the previous application for reasons relating to the scheme failing to respect the character and appearance of the locality/street scene, by virtue of its (overall) design, bulk and scale. It would therefore be unreasonable to introduce new objections in this respect now.

14. By siting the building further forward than previously proposed, and by positioning it a minimum of 2m off the tapered side (western) boundary it is considered that the relationship with the adjacent dwelling would now be improved such that, in the opinion of officers, it would be difficult to justify a continued objection on these specific grounds.

Residential amenity

15. Whilst acknowledging the proximity of the previous PH use to the neighbouring uses as being long established, the previous application was refused for two reasons, both of which (only) cited policy GC3, relating to harm on amenity in respect of:

- the depth, height and proximity of the development relative to No. 22 Deanway whereby it would appear visually intrusive and overbearing to the occupiers when viewed from their rear windows and rear garden area, and
- The arrangement of the two uses and associated activities vehicular movements etc. resulting in a poor living environment for the future occupants of the flats

16. By siting the building slightly further forward than previously proposed, and by positioning it a minimum of 2m off the tapered side (western) boundary it is considered that the relationship with the adjacent dwelling would now be improved such that, in the opinion of officers, it would be difficult to justify a continued objection as per the previous first reason for refusal relating to harm to the amenities of the occupiers of the adjacent dwelling.

17. The removal of the PH element from the proposed building would, it is considered, overcome the second reason for refusal relating to harm to future occupants of the flats. However, any potential impact on amenity of future occupants of any flats arising from the use of the part of the ground floor as a coffee shop still needs to be considered as part of the assessment of this application.

18. The situation of having residential flats above a coffee shop is not uncommon, and subject to ensuring satisfactory living conditions result it is not considered that an objection could be sustained to the principal of two such uses co-existing in the same building.

19. The flats would have a communal garden area provided beyond the row of seven parking spaces located to the rear (north) of the proposed building, and would be accessed via steps situated between the residents own parking spaces. Subject to the two spaces allocated to the coffee shop use being marked out as those numbered 6 & 7 on the proposed layout plan, i.e. those in the north-east corner, it is considered that this would overcome the previous objection relating to the incompatibility of the outdoor amenity space being shared with a commercial use. The laying out of the car park can be covered by the imposition of a condition attached to any grant of planning permission.

20. The two uses would be physically separated, the coffee shop being an entirely self-contained part of the building comprising seating area, kitchen, store and separate staff and public WCs, including disabled WCs.

21. The configuration of the ground floor, in particular, would not lead to an unacceptable relationship whereby the proposed bedroom and lounge/living areas are not adjacent to the coffee shop seating area. The D&A statement comments that the coffee shop would not have use of the rear garden area, beyond the car parking. Rather, this would be solely for use by the occupiers of the proposed flats. Furthermore, additional insulation within the ground floor ceiling and the first floor flats would be provided and all windows to the flats would have acoustic trickle vents and be of a rating to minimise noise transfer. It should however be noted that these are ultimately matters for building control approval. Nevertheless, they are considered to be positive measures that would be taken to ensure a satisfactory relationship between the two uses.

22. Restricting the hours of use of the coffee shop by condition, and with a condition prohibiting the use of the rear area as external seating, it is considered that amenity of adjacent occupiers would also be protected.

23. As such, it is considered that the building would result in a suitable living environment for the future occupiers of the flats.

Overlooking

24. The previous application was not refused for reasons relating to the overlooking of adjacent properties resulting from windows in the proposed building. In this respect, it should be noted that the position and

orientation of windows in the currently proposed building are identical to those previously proposed. In this respect, the view expressed in the previous report is still considered to be applicable, whereby, the concerns with regard to overlooking are noted but the windows in the rear elevation of the building would face up the hillside and are not considered to offer views at close quarters to private amenity space of any of the neighbouring properties.

Contaminated land

25. The Strategic Environment Team comments are repeated as follows: -

"The proposed development involves the erection of a 2.5 storey building comprising a coffee shop at ground floor level, with 7 x 1-bed flats and parking for 9 cars. No soft landscaping or private gardens are included in the proposals. The historical map for the 1874-1891 epoch shows a building on site. The building is labelled The Milton's Head (PH) on the historical map for the 1961-1971 epoch.

The risk to future occupants is reduced because such developments do not normally include private gardens and have limited areas of soft landscaping. The footprint of the building and the hardstanding of the development normally break the pathway linking the source and the receptor".

Environmental Health - Noise and Odour

26. Comments in respect of the previous application are repeated as follows: -

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

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

Risk Assessment for Odour - Odour control must be designed to prevent odour nuisance in a given situation. The score methodology in the Guidance is suggested as a means of determining odour control requirements using a simple risk assessment approach to determine the level of odour control required to prevent nuisance to neighbouring properties. External Lighting to be positioned to avoid nuisance to residential and other receptors"

27. In respect of bin and waste storage provision, minor amended plans have been received which show this provision as being re-sited from the front of the proposed building to the rear north eastern corner of the site. This is considered to be a more acceptable arrangement and one that accords with policy CS26.

Parking/Highway implications

28. The County Highways Authority has provided the following comments: -

"The proposed is located along Deanway which is an unclassified road subject to a 30mph speed limit. Within the vicinity of the site there is access to pedestrian footways, public transport links and street lighting is present.

It is noted that the Highway Authority has previously commented upon an application of similar nature at this location under application CH/2018/0887/OA which sort outline planning permission for the erection of a 2.5

storey building comprising a public house at ground floor level, with 6 x 1 bed flats and associated parking (matters to be considered at this stage: access, appearance, layout and scale). The Highway Authority made a recommendation of no objections subject to conditions.

The former use of the site was a PH, following a fire on the 17th May 2017 at the address the public house was demolished in June 2017 and the site left vacant.

In terms of trip generation each proposed flat has the potential to generate between 2-4 daily vehicular movements (two-way) the proposed café has the potential to generate between 78 vehicular movements (two-way). Therefore, the site has the potential to generate in the region of an additional 106 daily vehicular movements (two-way).

The previously refused application for a Public House and six flats would have had the potential to generate a higher number of traffic movements in the region of 181 vehicular movements.

The proposed cafe and residential use combined would generate less vehicle movements when compared to the previously approved scheme. This scheme therefore offers betterment and I am satisfied that these additional vehicle movements can be accommodated within the local highway network in this location.

The site would be served by an existing access off Deanway. The proposals include widening the vehicular access to 4.8m. This would enable simultaneous two-way vehicular flow alongside the safe passage of pedestrians/cyclists.

In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions commensurate with speed limit of 30mph. Having reviewed the submitted plans, I am satisfied that sufficient visibility splays can be achieved within land owned the applicant or the publicly maintained highway.

The submitted plans demonstrate 9 parking spaces being provided on site, 1 space is to be allocated to each flat leaving two parking spaces to be use by the proposed coffee shop. The Local Planning Authority as the Parking Authority need to make an informed decision on the quantum of parking required for this scale in development. The Highway Authority is satisfied that there is adequate turning and manoeuvring space to ensure that all vehicles are able to enter and agree in a forward gear".

29. Having regard to all of the above considerations the Highway Authority therefore has no objection to the application subject to the imposition of conditions relating to the modification of the access, provision of all parking, loading and unloading areas prior to occupation and a construction management plan being provided prior to commencement.

30. In respect of parking provision it is noted that the submitted D&A statement makes reference to Bucks (county wide) parking standards. However, in determining this application adopted CDC parking standards are applicable and not those operated by Bucks County Council, as these have not been adopted by the District Council.

31. Each of the proposed seven flats would have a floor space of less than 50 sq. m. In accordance with policy TR16 the parking standard for each flat is one space, plus one visitor space per four flats, totalling 9 spaces. In accordance with policy TR16 the parking standard for a coffee shop use is 1 car space per 4 square metres of public floor space, or part thereof. The public floor space associated with the proposed coffee shop, which includes the two public toilets, totals approximately 56 square metres, therefore the standard for this element is a further 9 spaces. The scheme shows a row of seven spaces along the rear northern boundary of the site

and two spaces would be contained within the body of the proposed building, accessed at the rear of the ground floor. A total of 9 spaces are therefore proposed: 7 for the flats and 2 for the coffee shop.

32. When considered in accordance with policy TR16 this is 50% of the parking standard for the development. However, it has to be acknowledged that the former PH building had no parking provision, or turning facilities for delivery vehicles and therefore had a far greater parking shortfall than currently proposed. Whilst the previous proposal was for a replacement PH, the parking requirement is the same as that for the café use now proposed, and Members previously did not consider a shortfall in onsite parking provision to be sufficient as to justify a reason for refusal in its own right. It would therefore be unreasonable to introduce a new concern in this respect now, and no objections are raised regarding parking provision.

33. Therefore, having regard to the comments of the Highways Authority, Members previous consideration of the situation and the lack of any previous onsite parking provision associated with the former PH it is not considered that an objection relating to either highway safety or parking provision could be substantiated at an appeal.

34. Secure cycle provision for the flats would be provided within the entrance area on the ground floor of the building. Servicing and deliveries for the coffee shop would be via a side entrance door leading directly into a lobby, which is located away from the nearest part of the proposed ground floor flat. In accordance with policy TR16 there is no requirement arising from the proposed development for the provision of specific parking spaces for disabled users.

Impact on designated/non-designated heritage asset

35. As with the consideration of the previous application, it is considered that the proposed building would not result in an adverse impact upon the character and setting of the listed Milton's Cottage as it is located some 80m to the south-east. Similarly it is not considered that the conservation area, or views to or from this area (located to the immediate south and south-east, on the opposite side of the road) would be materially harmed by the provision of a replacement building on the site. Members are reminded that this did not form an objection previously.

Ecology

36. The comments of the Ecology adviser are repeated as follows:

"I have reviewed the ecological assessment letter provided by AAe Environmental Consultants (July 2018) and am satisfied overall that the impact of the proposed development on protected species has been given due regard. Overall the habitats within the site have been found to be of relatively low ecological value therefore recommended conditions in respect of protected species and site enhancements are provided below. It should be noted that no adequate desk study has been provided as part of this assessment and a search of online resources such as MAGIC is not considered sufficient. The ecological assessment is considered valid for a period of no more than 2 years from the date of survey".

37. No objection to the scheme is therefore raised subject to the imposition of two conditions and an informative.

Affordable housing

38. There is no requirement for the provision of affordable housing arising from this proposal.

Other matters

39. A significant body of representation has been received to the provision of a further coffee shop in the village, and how it is considered that this will prove to be unviable. Members will be aware that this

competition is in itself not a material planning consideration, rather, the success or otherwise of a (further) coffee shop in this part of the village is ultimately a matter which market forces will dictate.

Conclusions

40. Subject to the imposition of conditions, the scheme is considered to have overcome the two previous reasons for refusal, and therefore accords with Development Plan policies and guidance contained in the NPPF. It would result in the provision of a (replacement) building comprising a low-key commercial facility as well as the provision of seven, one-bed flats in this village location.

Working with the applicant

41. 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 engaged with the agent following the refusal of the last application and prior to the submission of this application.

Human Rights

42. 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 C102A Matters Reserved Except Landscaping
- 2 C106A Outline Time Limit Reserved Matters
- 3 C107A Outline Time Limit
- 4 Prior to the occupation of the development the modified access to Deanway shall be implemented and provided in accordance with the approved plans.
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.
- 5 Prior to occupation of the development all parking spaces and areas for loading and manoeuvring shall be laid out in accordance with the approved plans. These areas shall thereafter be permanently maintained for their intended purpose.
Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.
- 6 Prior to any above ground works a Construction Traffic Management Plan shall be submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority.

The Plan shall include details of:

- Construction access
- Management and timing of deliveries;
- Routing of construction traffic;
- Vehicle parking for site operatives and visitors;
- Loading/off-loading and turning areas;
- Site compound;
- Storage of materials;
- Precautions to prevent the deposit of mud and debris on the adjacent highway.

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

Reason: In order to minimise danger and inconvenience to highway users and users of the highway in general.

7 The building hereby permitted shall only be used as a coffee shop and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 as amended).

Reason: In order to maintain the character of the locality and to protect the amenities of nearby residential property.

8 The two covered parking spaces contained within the building hereby permitted shall be reserved for the parking of residents' vehicles only and shall not be converted to provide additional living or commercial accommodation or used for any other purpose.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all carriageways

9 Prior to the commencement of any above ground works full details of all measures for noise insulation to the party ceilings/floors shall be submitted to, and approved in writing by the Local Planning Authority. The scheme, as approved, shall thereafter only be implemented prior to the first occupation of any of the flats hereby approved.

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

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

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

11 The development shall be undertaken in accordance with the recommendations for reasonable avoidance measures presented within the ecological assessment letter provided by AAe Environmental Consultants (July 2018). The report provides details of required measures for the avoidance of harm to reptiles.

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

12 Prior to the commencement of development, details of ecological enhancements shall be submitted to and approved by the Local Planning Authority. The scheme will include details of native landscape planting and provision of artificial roost features, including bird and bat boxes.

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

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

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

14 The Class A3 use contained within the ground floor of the building hereby approved shall only operate between the hours of 0800hrs and 1900hrs Monday to Friday, 0800hrs and 1700hrs on Saturdays and between 0900hrs and 1700hrs on Sundays and Bank Holidays

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

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

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

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

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

17 Noise from the operation of all fixed plant and equipment associated with air moving equipment, refrigeration, compressors or equipment of a like kind within or associated with the building hereby permitted, received at one metre from the nearest noise sensitive receptor shall not exceed a level of 5 dB(A) above the existing Background Levels, or 10dB(A) especially if there is a particular tonal quality AT ANY TIME in accordance with BS 4142-2014. The assessment criteria should provide within BS 4142: 2014 of the

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

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

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

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

19 The development hereby permitted shall be constructed in accordance with the ground levels and the proposed slab and finished floor levels of the building as shown on the approved drawings.

Reason: To protect, as far as is possible, the character of the locality.

20 Prior to any above ground works named types of the facing materials and roofing materials to be used for the external construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be used in the implementation of the development.

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

21 AP01 Approved Plans

INFORMATIVES

1 INFORMATIVE: The applicant is advised that the access should be constructed in accordance with 'Buckinghamshire County Council's Guidance note, "Commercial Vehicular Access within Highway Limits" 2013. In addition, the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information or apply online via Buckinghamshire County Council's website at www.buckscc.gov.uk/services/transport-and-roads/highways-development-management/apply-online/section-184-licence/

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

2 INFORMATIVE: The applicant is advised that trees and other vegetation may offer suitable habitat for nesting birds. All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended). Any works to suitable vegetation shall be undertaken outside of bird nesting season. This is weather dependent but generally extends between March and August inclusive. If this is not possible then a suitably qualified ecologist must check the areas concerned immediately prior to the clearance works to ensure that no nesting, or nest-building birds, are present. If any nesting birds are present then the vegetation must not be removed until the fledglings have left the nest. To do so would be an offence.

3 INFORMATIVE: The applicant is advised that if contamination is found on the site, information for developers and guidance documents can be found online at: www.chiltern.gov.uk/article/2054/Information-for-Developers

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

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

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

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

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

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

PL/18/3410/OA

Case Officer: Laura Rheiter
Date Received: 14.09.2018
Parish: Great Missenden

Decide by Date: 17.12.2018
Ward: Ballinger South Heath And Chartridge

App Type: Outline Application
Proposal: **Outline application for demolition of dwelling, and erection of 7 dwellings (retaining 3 existing dwellings) with car parking, landscaping, amenity space and associated vehicular access (matters to be considered at this stage: access)**
Location: **Stepping Stones
Ballinger Road
South Heath
Great Missenden
Buckinghamshire
HP16 9QH**
Applicant: **Amplio Developments Ltd**

SITE CONSTRAINTS

Article 4 Direction
Adjacent to C Road
Adjacent to Unclassified Road
Area Special Adv. Control
Within Chilterns Area of Outstanding Natural Beauty
Brownfields CDC
Within Green Belt other than GB4 GB5
North South Line
Within 500m of Site of Importance for Nature Conservation NC1
GB settlement GB5,6,12,23,H7,13,19

CALL IN

Councillor Jones has requested that the application be referred to the Planning Committee, regardless of the Officers' recommendation.

SITE LOCATION

The property is located within the Green Belt Settlement of South Heath. The site is bound by housing to the north, south, east and west. The site is located off Ballinger Road and comprises the detached dwellings Stepping Stones, Orchid Cottage, Holly Cottage and No. 4 Lappetts Lane. The latter three are to be retained within the development.

THE APPLICATION

The application is made in outline, with only access for consideration at this stage. All other matters would be reserved matters to be determined under a separate application (layout, scale, appearance and landscaping).

The application seeks outline planning permission for the demolition of the dwelling Stepping Stones, retention of Orchid Cottage, Holly Cottage and No. 4 Lappetts Lane and erection of 7 new dwellings with

associated access, provision of hardstanding, car parking, landscaping and garden and amenity space and existing curtilage/boundary rescaling.

Therefore any drawings other than the drawing Proposed Access Visibility Splays provided with the application are for illustrative purposes only and are therefore not subject to detailed consideration within the report. It is important to note that the layout of dwellings illustrated on the drawings is purely an indication of where dwellings could be sited. If approved, this layout is not binding, as this would be a detailed matter subject to a subsequent planning application for the reserved matters.

This report will therefore consider the access onto the public highway and the principle of residential development on the site, which are the only two issues for consideration.

The application was supported by a Planning Statement, Ecology Report, Transport Statement, Tree Survey Report and a Drainage Statement.

RELEVANT PLANNING HISTORY

No relevant planning history for the site.

PARISH COUNCIL

The response from the Parish Council was received on 13 November in which the Parish states that: "The committee notes that this application has been called in to the Chiltern District Council Planning Committee. Whilst in principle the committee support a development on this site they made the following observations:-

- a) The committee object to this site being considered to meet the criteria for a Brownfield site.
- b) It is development within the Green Belt and an Area of Outstanding Natural Beauty and as such if reasons are found to justify such development it should be sympathetic to its surroundings.
- c) The plans suggest the loss of at least 27 substantial trees with no plans to replace them. [Officer Note: landscaping is reserved for subsequent approval].
- d) The density of the proposed development and the potential size and scale of the properties appears to be too high and out of keeping with neighbouring properties and the street scene [Officer Note: scale and height are not for consideration here].
- e) The proposed development will create a not insignificant additional traffic flow on rural roads that needs to be considered carefully by the county transport officers

REPRESENTATIONS

A total of 29 representation letters were received from local residents. They were all letters stating objections to the proposed development with some residents accepting that some development could be allowed on the site. The comments are summarised below:

- Development is not sustainable;
- Should be restricted on ground of impact on openness of Green Belt;
- Concern with regard to overshadowing/overbearing;
- Density too high; overdevelopment; greedy developers;
- Will adversely affect volume of traffic and noise; country lanes already overburdened esp. increased traffic from HS2;
- Additional traffic will increase risk of accidents for village traffic and pedestrians, no footpath on Ballinger Road, verges are private;
- Additional traffic will cause inconvenience during construction; times should be restricted;
- Footprint and roof height must be in keeping with houses in vicinity; Lappetts Lane is primarily chalet bungalows;
- Site is not consistent with definition of previously developed land in Annex 2 of NPPF;

- Concern with regard to privacy;
- Houses would be intrusive at Lappetts Lane end;
- Contrary to Development Plan;
- Inadequate access;
- Inadequate drainage;
- Interference with adjacent property;
- Noise/Disturbance;
- Insufficient infrastructure;
- Poor design;
- Traffic/Parking;
- Inappropriate for AONB;
- Questions how much additional development can be supported without additional infrastructure and amenities;
- This application will provide additional access to Lappetts Lane - even if only pedestrian.
- We already suffer from residents of Wood Lane & Kings Lane using Lappetts as a car park and leaving bins/recycling in the street for many days, making the road unsightly and dangerous;
- The additional dwellings could result in issues with the drainage in the area. Currently the drainage along Ballinger Road cannot cope with large rainfall; improvement of drainage should be part of proposal;
- Intrusion into countryside;
- Loss of view;
- Loss/damage to trees;
- Development would lead to destruction of bat roosts at Stepping Stones and the removal of 27 trees and 9 hedges, negatively impacting the greenness of the space;
- Not previously developed land;
- Would preserve Holly Cottage, a historic building;
- Mushroom Farm which was given permission was an eye sore, this site is not and is residential;
- Vision splays are inadequate;
- Three car parking spaces would be required not 2;
- Renovation of Holly Cottage should be included in conditions;
- Proposed access interferes with access of neighbouring property;
- Too close to No. 5 Lappetts Lane;
- Concerned about highly positioned lights; must be clearer, light pollution;
- No affordable housing provided;
- Lack of public transport; limited bus service;
- View will change from trees and low bungalows to rear of 5 houses;
- Some infill unavoidable, should be limited to less houses;

CONSULTATIONS

Tree Officer

No objection. The application site consists of four properties: Holly Cottage, Stepping Stones and Orchid Cottage in Ballinger Road, and No 4 Lappetts Lane. Three of the dwellings, Holly Cottage, Orchid Cottage and 4 Lappetts Lane are proposed for retention with reduced curtilages while Stepping Stones would be demolished. The application is in outline with only access to be considered at this stage. The application includes a Tree Survey Report with an Arboricultural Impact Plan and a Preliminary Tree Protection Plan.

The proposed access would be moved further to the north-east than the existing access to Stepping Stones. The Arboricultural Impact Plan includes a statement about the site access and the precautions proposed to minimise root damage. These should avoid significant damage to the adjacent sycamore tree (T25), which is the only tree classified as Category A in the Tree Survey.

The Proposed Visibility Splays drawing shows the loss of part of the mixed hedgerows on the site frontage and some tree loss. The Tree Survey does not refer to any potential tree loss for the visibility splays. It seems likely that T35, T36 and T37 would be lost. T35 is a hornbeam with a poor structure and a weak shape that has been classified as Category U. The adjacent tree T36 is a multi-stemmed tree in fairly poor condition. T37 is a multi-stemmed purple plum that is also in poor condition and has also been classified as Category U. Consequently the visibility splays should only affect poor trees but the hedge loss would be unfortunate although it could be replaced.

The plans show the other trees on the road frontage to be retained and there should be little need to disturb the trees within the retained gardens of Holly Cottage and Orchid Cottage. The indicative site layout shows the loss of most of the trees within the site while retaining the trees close to the boundaries. The trees shown for removal within the site are all fairly small trees including many cypresses, hollies and fruit trees. The largest trees are cypresses and a poorly-shaped cedar about 10-12m in height. Three larger trees, a birch (T14), a monkey puzzle (T34) and a walnut (T55) that are all classified as Category B and are set slightly in from the boundaries are shown to be retained.

Overall the proposed access should not involve the loss of any important trees and the indicative layout also retains most of the better trees on the site, particularly those around the edges. Consequently I would not object to the application provided there is adequate protection for the retained trees.

Highways Authority

Ballinger Road is a 'C' class road, which in this location is subject to a speed restriction of 30mph. Proposals include the demolition of the existing dwelling and the erection of seven dwellings on site, which would result in the net gain of 6 additional dwellings.

With regard to trip generation, I would expect a dwelling in this location to generate in the region of 4-6 vehicular movements (two-way) per day. As this is the case, the development as a whole would have the potential to generate in the region of 28 - 42 vehicular movements (two-way) per day. Whilst I am confident that these additional vehicular movements can be safely accommodated onto the Local Highway Network in the vicinity of the site, as the site would be subject to an intensification in use, the access arrangements serving the site will need to be assessed in order to determine their suitability to accommodate the anticipated additional vehicular movements.

As Ballinger Road in the vicinity of the site is subject to a speed restriction of 30mph, visibility splays of 2.4m x 43m are applicable, commensurate with current Manual for Streets guidance. I am confident that adequate visibility splays can be achieved from the proposed access point, within the extent of the publicly maintained highway or within the ownership of the applicant. The visibility splay to the left upon exit would be achievable when taking the splay to 1m from the nearside carriageway edge, in line with Manual for Streets guidance. The existing access point is to be repositioned by 2m to the east of the site, and would also be widened to 4.8m, which I can confirm would allow for the simultaneous two-way flow of vehicular movements alongside pedestrians/cyclists.

Whilst turning areas within the site would be subject to a reserved matters application, I am unconvinced as to whether the turning shown within the site would be suitable to allow a refuse vehicle of 10.32m or a fire appliance to turn within the site. A swept-path analysis demonstrating these vehicles manoeuvring within the turning area will need to be provided at reserved matters stage, should the application gain outline consent.

The site is remote from footpaths and public transport links, and is not considered sustainable in transport terms in the context of the requirements of the NPPF and would be reliant on the use of the private motor vehicle, against the aims of local and national policy. Ballinger Road does not benefit from any footways in the vicinity of the site and the nearest bus stops offer a limited service, outside of the AM/PM peak hours.

Potential users of the bus stops in the vicinity of the site would be required to walk on the narrow verges along Ballinger Road or in the carriageway in order to utilise the limited services available.

Object to the application on the grounds that the proposed development fails to make adequate provision to allow accessibility to the site by non-car modes of travel. The development will therefore be heavily reliant on the use of the private car.

Ecology Officer

I have reviewed the Ecological Assessment report produced by GS Ecology (October 2018) and am satisfied that the presence of protected habitats and species has been sufficiently assessed. The surveys undertaken in 2018 have confirmed the presence of three Common Pipistrelle Bat roosts within the house. If minded to approve, the development must be undertaken in accordance with the recommendations of the ecological assessment report, including obtaining a European Protected Species Mitigation Licence from Natural England and provision of artificial roost features.

In addition to local policy, the NPPF (2018) sets out that "Plans should promote the conservation and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity".

Building Control

The proposals generally appear acceptable for fire brigade access under Part B5 of the Building Regulations provided: 1. Any access gates have a clear opening of 3.1m 2. Minimum width of the access road is 3.7m between kerbs 3. The total length of the hammer head for turning including the road is 16.8m.

There is insufficient information for me to comment in detail but each dwelling will need provision for a disabled WC on the main entrance level, ramped/level access to the main entrance door with a level threshold and the access route from the vehicle parking area should be firm (not loose gravel) and in accordance with Approved Document M.

Waste Management Officer

The Waste Officer comments as follows. I had incorrectly made the assumption that the residents would be moving the bins to the property boundary on Ballinger Road themselves which would result in us having no objections. After reviewing the plans we at this stage cannot accept this application as the space and turning circles are too narrow and pose a risk. The applicant needs to demonstrate that a refuse/recycling vehicle can manoeuvre safely into the site and complete a turn. Due to the road being a Category C road, the applicant has the option of demonstrating this in reverse gear should they wish.

Strategic Environment Officer

The proposed development involves the demolition of a dwelling, the retention of three dwellings and the erection of seven dwellings with car parking, landscaping, amenity space and associated vehicular access.

The Council's historical maps indicate that the site was originally a field (1874-1891), a property labelled Stepping Stones is shown on the historical map for the 1960-1976 epoch.

The site does not appear to have had a previous potentially contaminative use. The previous use of the site is unlikely to have given rise to anything more than anthropogenic contamination. However, the proposed development will introduce a larger number of receptors. Therefore an assessment of the risks posed by the site is required.

Based on this, the standard Land Quality Condition is required.

Affinity Water

No objection.

POLICIES

National Planning Policy Framework, July 2018.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS8, CS20, CS22, CS23, CS24, CS25, CS26.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC2, GC3, GC4, GB2, GB4, GB5, LSQ1, H12, TR2, TR3, TR11 and TR16.

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

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

Chilterns Buildings Design Guide, February 2010.

EVALUATION

1. The application is submitted in outline, with only access applied for. The remaining detailed matters, namely scale, layout, appearance and landscaping are reserved for subsequent approval. This means that only the principle of development and access arrangement can be considered under this application.

Principle of development

2. The site is located in the Green Belt Settlement of South Heath where small scale residential development is considered acceptable in principle, subject to complying with the relevant policies of the Development Plan. The National Planning Policy Framework advises that most new building is inappropriate in the Green Belt but identifies that limited infilling within Green Belt villages is an exception to this.

3. The identification of South Heath within Policy GB5 does not mean that every parcel of open land within South Heath is suitable for development. Proposals to develop land on the edges of these settlements, or to develop land whose present open appearance contributes to the physical character of the settlement, will not be acceptable.

4. The site is also within the Chilterns Area of Outstanding Natural Beauty and therefore the proposal should conserve, and where considered appropriate and practicable, enhance the high scenic quality of the landscape.

Principle of the Residential Development/Green Belt considerations

5. As mentioned already the NPPF in para 145 supports the limited infilling in villages. Similar to the approach taken which has now been agreed for Planning permission CH/2017/1422/OA at the Mushroom Farm in South Heath, it is considered that the correct approach is to consider the site under its GB5 designation. In this circumstance the land would be within the Green Belt albeit within a Green Belt Settlement that would be considered appropriate for small scale residential development and limited infilling by the NPPF. The scale of the proposal would then need to be considered against the definition of small scale in policy GB5 which is not "more than about" 0.5 hectares. It is considered that the 0.5ha is a general guide and the policy is phrased "about" to reflect the reality that sites do not come in specific sizes. Only sites of more than 0.5ha and where the number of dwellings are not known fall into the category of 'major development' as defined in the NPPF

and the Town and Country Planning (Development Management Procedure) (England) Order 2015. Major development is also defined by developments of 10 dwellings or more. Therefore it is considered that the application site is not major development. Planning permission CH/2017/1422/OA concluded that a development of 10 dwellings would be at the top end of small scale development.

6. The proposal would meet the criterion of being an existing authorised or established residential use which is totally or substantially enclosed by existing residential development in order to represent infill development within a GB5 settlement as defined by the policy.

7. Again similar to planning application CH/2017/1422/OA, important for the consideration of the proposal is the NPPF as it supports limited infill in villages (not just of sites surrounded by residential land) and in paragraph 140 suggests that villages capable of protection by normal development management policies should be excluded from the Green Belt. Policy CS23 of the Core Strategy identified that Policies GB4 and GB5 did not accord with National Guidance. Significantly, in relation to policies GB4 and GB5, are the implications of Court of Appeal decision into Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin) which places a requirement on the decision maker to consider the physical boundaries to a site irrespective of boundaries shown on a local plan. The judgement found that the policy wording in the NPPF relating to limited infilling in villages required the decision-maker to consider whether, as a matter of the physical characteristics of land, a site appears to be in a village.

8. In conducting an assessment, in accordance with the judgement, the application site is within the GB5 boundary for South Heath. The site is bordered on all four sides by residential development and two roads, all of which are within the settlement. It is therefore considered that the Policy GB5 designation includes the whole site, the site is within the village and that in being within the village may be considered appropriate for limited infilling.

9. Having concluded that the site is within the settlement of South Heath, the question is then whether the proposal constitutes "limited" infilling. Policy GB4 suggests a limit of 1 or 2 dwellings however, the courts and planning appeals have concluded that the NPPF contains no advice on the interpretation of "limited infilling". Clearly the NPPF is more recent and holds greater weight. Appeal decisions vary on the number based on individual circumstances, but support may be found for limited infilling in the context of the exceptions criteria for sites of between 1 and 12 dwellings. It is therefore for the decision maker to make a considered judgement based on the characteristics of the site. It is the Officer view that the proposal would offer the potential for the infilling of the site with 7 dwellings with a net increase of 6 as the site would be wholly enclosed by residential development and filling in the parcel of land within it. In this respect support for the principle of redevelopment of the site would not be harmful to one of the key aims of the Green Belt which is to preserve its openness.

10. The conclusion is therefore that the site is within the GB5 settlement and although washed over by Green Belt, the proposed residential development represents one of the acceptable exceptions identified within paragraph 145 of the NPPF to development within the Green Belt.

11. It is also to be noted that the principle of limited infilling in South Heath has been established by the recent planning permission CH/2017/1422/OA for 10 dwellings at Meadow Lane at the former mushroom farm. It was also concluded in the officer report for that permission that a development of 10 dwellings would be at the top end of small scale development.

Affordable Housing

12. Policy CS8 of the Core Strategy sets out that, on sites of 5 to 7 dwellings at least one affordable housing unit should be provided which is supported by the national planning practice guidance as the site is within the

Chilterns Area of Outstanding Natural Beauty. The applicant would be willing to enter a S.106 agreement and proposes one affordable dwelling as part of the proposed development and would also want to allow for a financial contribution towards affordable housing in lieu in the event that a registered housing provider cannot be secured for the provision of one unit. It would clearly be expected that as part of the reserved matters application that the applicant engages with registered housing provider, to maximise the opportunity of designing a scheme where an affordable dwelling would be acceptable to them. A financial contribution in lieu of such provision would only be acceptable in exceptional circumstances.

Residential amenity

13. There is scope within the available land to design a scheme that would not be harmful to the amenity of the existing neighbouring dwellings and that would provide an appropriate level of privacy and amenity to occupiers of the proposed development. It will be important to consider the distance to boundaries. A detailed assessment of this would need to be undertaken once the layout, scale and appearance of the dwellings is proposed, under a subsequent application.

Design/character & appearance

14. The purpose of this assessment is not to consider whether the indicative development is acceptable but only to consider whether the site is suitable for residential development of the level proposed, having regard to the surrounding land uses. The issue of the type and size of houses is one that would be addressed at the reserved matters stage, but it is clear that plot widths comparable to other houses close to the site can be achieved. The surrounding dwellings in South Heath contain predominantly 1-2 storeys and are predominantly detached. The houses existing within the site are also detached. The character of any proposed scheme would need to reflect the character of the area. The site would also be capable of making its own contribution to the local character. Given the location within the Chilterns AONB, the design of the dwellings would need to take account the Chilterns Buildings Design Guide, February 2010.

Parking/Access/Highway implications

15. The proposal would need to make provision for parking within the curtilage of the proposed dwellings in accordance with the Council's standards. This would need to be addressed at Reserved matters stage. The applicant has indicated that two parking spaces will be provided per dwelling as well as electric vehicle charging points and cycle storage.

16. The proposal for 6 additional dwellings would generate 28-42 vehicle movements which could be accommodated onto the local highway network. Ballinger Road is subject to a 30mph speed restriction and visibility splays of 2.4m x 43m are applicable commensurate with guidance set out in the Manual for Street. The Highways Officer confirms that visibility splays can be achieved from the proposed access point, within the extent of the publicly maintained highway or within the ownership of the applicant. The visibility splay to the left upon exit would be achievable when taking the splay to 1m from the nearside carriageway edge, in line with Manual for Streets guidance. The existing access point is to be repositioned by 2m to the east of the site, and would also be widened to 4.8m, which I can confirm would allow for the simultaneous two-way flow of vehicular movements alongside pedestrians/cyclists.

17. The turning area shown on the drawing is indicative and would be subject to a reserved matters application. The Highways Officer has concerns whether the turning shown within the site would be suitable to allow a refuse vehicle of 10.32m or a fire appliance to turn within the site. A swept-path analysis demonstrating these vehicles manoeuvring within the turning area will need to be provided at reserved matters stage, should the application gain outline consent. In addition the Waste Officer also raises an objection to the application on the basis of inadequate turning space although it would be possible for the waste collection vehicle to reverse onto Ballinger Road. The Building Control Officer has no objection with regard to fire engine access / operation. As highlighted above, the detailed layout of the scheme is subject to

a subsequent application, and the refuse collection method can be agreed at the reserved matters stage. It should not therefore form part of a refusal at the outline stage.

18. Although South Heath is not highly accessible to forms of transport other than the car, it does have a weekday morning bus service to Chesham with a late afternoon return to coincide with school times and is on national and regional cycle routes. It is clearly not a highly sustainable location in transport terms but the inclusion of vehicle charging points would mitigate against this to a degree, and also committed cyclists would be able to cycle to Great Missenden to use the rail service. Whilst the Highway Authority raise concerns about the sustainability of the site, this is purely in transport terms. It is the District Council, as the decision making authority to weigh this into the overall planning balance and assess whether the development comprises sustainable development, which is more than just transport considerations. The NPPF highlights that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Provided that the proposed development can be designed to reflect the local character, maintain and improve biodiversity, minimise waste and pollution, etc, it would help to fulfil the environmental role above. The provision of additional housing and affordable housing would contribute to the social role. The development would also contribute to the economic role of sustainable development. Therefore, having regard to the Highway Authority's comments, whilst the private car would be relied upon to an extent, the development has the potential to comprise sustainable development as a whole, having regard to the definition in the NPPF.

Trees & Landscaping

19. The proposed access involves the removal of a number of trees and a hedgerow. The Tree Officer having taken into account the Arboricultural Impact Plan and Tree Survey confirms that this should only affect poor trees. He also states that loss of the hedge would be unfortunate although it could be replaced. A full landscape scheme will be required to show all proposed tree, hedge and shrub planting within the site and on site boundaries. The trees and proposed landscaping would be dealt with at Reserved matters stage and it is noted that the Tree Officer does not have any objections.

Ecology and Biodiversity

20. The Ecology Surveys undertaken in 2018 have confirmed the presence of three Common Pipistrelle Bat roosts within 'Stepping Stones'. If minded to approve, the development must be undertaken in accordance with the recommendations of the ecological assessment report, including obtaining a European Protected Species Mitigation Licence from Natural England and provision of artificial roost features. Policy CS24 requires consideration of the enhancement and encouragement of ecology. As such detailed proposals for ecological enhancement submitted with the reserved matters would be required to identify the means by which an

overall net gain in biodiversity will be achieved. The scheme will include details of native landscape planting and provision of artificial roost features, including bird and bat boxes.

Other sustainability principles

21. Policies CS4 and CS20 require that new development should reduce the CO2 emissions having regard to the sustainability principles set out in the core strategy. Whilst the location is not in the most sustainable location it is capable of achieving development that addresses many of the criteria identified in Table 1 of Policy CS4 in particular elements such as energy efficiency, renewable technology, water recycling, waste management maximum re-use of construction and demolition materials, the use of locally produced building materials, sustainable drainage and retention of key features of the natural environment. In particular, given the rural location, the inclusion of vehicle charging points to serve the proposed properties would assist in the reduction of particulate and CO2 emissions locally through the encouragement of electric vehicle usage.

Conclusions

22. The scheme is considered to accord with Development Plan policies and guidance contained in the NPPF and the interpretation of the NPPF in appeal decisions and Courts which support limited infilling within villages located within the Green Belt. As such the principle of development is acceptable, and the detailed aspects applied for (namely, access) are also acceptable. The remaining detailed matters (layout, scale, appearance and landscaping) would be subject of a subsequent application for reserved matters.

Working with the applicant

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

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

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

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

Human Rights

24. 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 The approval of the Local Planning Authority shall be obtained to the layout, scale, appearance and landscaping of the scheme before the development is commenced.

Reason: Because your application is submitted in outline only and to safeguard the amenities of the locality.

2 The development to which this permission relates must be begun before the expiration of two years from the approval of the last of the remaining reserved matters to be approved.

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 92 (2) of the Town & Country Planning Act, 1990, as amended.

3 Application for approval of all reserved matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

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 92 (2) of the Town & Country Planning Act 1990, as amended.

4 The development shall be undertaken in accordance with the recommendations provided within the Ecological Assessment report produced by GS Ecology (October 2018). No works of site clearance, demolition or construction shall take place until a European Protected Species Mitigation Licence has been granted by Natural England. A copy of the licence is to be provided to the Local Planning Authority.

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

5 Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of native landscape planting and provision of artificial roost features, including bird and bat boxes.

Reason: In the interests of improving biodiversity in accordance with NPPF and policy CS24 of the Core Strategy for Chiltern District (Adopted November 2011) and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

6 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

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

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

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

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

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

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

8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

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

9 No other part of the development shall begin until the new means of access has been altered in accordance with the approved drawing.

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

10 The access shall not be brought into use to serve the proposed development, or used during the construction period, until 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 looking to the right out of the access and at a point of 43 metres measured from 1m metres from the nearside edge of the carriageway when looking to the left out of the access. The area contained within the splays shall be kept free of any obstruction between 0.6 metres and 2.0 metres in height above the nearside channel level of the carriageway.

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

INFORMATIVES

1 INFORMATIVE: The applicant is advised that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Amersham Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

2 INFORMATIVE: In relation to potentially contaminated land, the applicant is advised that Information for Developers and guidance documents can be found online at www.chiltern.gov.uk/article/2054/Information-for-Developers

3 INFORMATIVE: The applicant is advised that the access will need to be constructed in accordance with Bucks County Council's Guide Note: "Commercial Vehicle Access within Highway Limits 2013". In addition, the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information or apply online via Buckinghamshire County Council's website at www.buckscc.gov.uk/services/transport-and-roads/highways-development-management/apply-online/section-184-licence/

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

4 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.

5 INFORMATIVE: The applicant is advised that 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 would be an offence under S137 of the Highways Act 1980.

PL/18/3413/FA

Case Officer: Murtaza Poptani
Date Received: 17.09.2018
Parish: Penn
App Type: Full Application
Proposal: Part two storey, part single storey front and rear extensions, part first floor side extension and single storey side outbuilding.
Location: Davos
1 Pitch Pond Close
Knotty Green
Buckinghamshire
HP9 1XY
Applicant: Mr & Mrs D Fryer

Decide by Date: 14.12.2018
Ward: Penn And Coleshill

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Mineral Consultation Area
North South Line
Tree Preservation Order Individual Trees
Townscape Character

CALL IN

Councillor Waters has requested that this application is referred to the Planning Committee if the Officers' recommendation is for approval.

SITE LOCATION

The application site accommodates a two storey detached dwelling located on the south-eastern side of Pitch Pond Close and is situated within a fairly large curtilage with off road parking to the front driveway. The dwelling is characterised with a centrally pitched gable ended roof with a catslide roof and large first floor dormer feature to the front elevation, with brick faced elevations along with an attached pitched roof garage. The site is situated within the built up area of Knotty Green and is not in a conservation area.

THE APPLICATION

The application proposes the erection of a part two storey, part single storey front and rear extensions, part first floor side extension and single storey side outbuilding. The two storey front element would measure 8.3 metres in width, 5.4 metres in depth and 6.8 metres in height. The ground floor side element would measure 4.6 metres in width, 18.6 metres in depth and 3.1 metres in height. The first floor side element would measure 3.7 metres in width, 6.7 metres in depth and 7.3 metres in height. The single storey rear element would measure 11.5 metres in width, 7.1 metres in depth and 3.5 metres in height. The first floor rear element would measure 12.3 metres in width, 2.1 metres in depth and 7.6 metres in height.

The application follows a previously approved planning application, reference CH/2015/0007/FA. The currently proposed extension is very similar to that previously granted, with the overall width, height and depth being the same. The changes now proposed are:

- The two storey front extension has been increased slightly in width (by 2.6 metres) and now has twin front gables rather than a wider single gable.
- The single storey side extension has been increased slightly, by 1 metre in depth.
- The first floor side extension has been reduced in depth, both at the front and to the rear. The front dormer in this section is no longer proposed.
- A part single and part two storey extension has been introduced to the rear. The two storey section would be small, only measuring 2 metres in depth, with the single storey section projecting a further 5 metres.

RELEVANT PLANNING HISTORY

CH/1976/1964/FA: Estate roads and nineteen houses and garages. Conditional permission. Implemented.

CH/2015/0007/FA: Part two storey, part single storey, part first floor front/side/rear extension and single storey front extension. Conditional permission. Not implemented.

PARISH COUNCIL

Objection. Overdominant on its neighbour, oversized on its plot, affects detrimentally the amenity of neighbours in Wyngrave Place. [Officer Note: It is noted that the Parish Council did not raise any objections to the previous, very similar, proposal].

REPRESENTATIONS

One letter of representation which is summarised as follows:

- The subject property, if extended to 2 storeys down the side adjacent to No. 7 Wyngrave Place, would be overbearing on No. 7. [Officer Note: the proposal is not as deep at first floor level as the previously approved planning permission along this side - it has actually been reduced in depth at first floor level].
- It would also have the effect of "walling in" (my) garden of No. 5 Wyngrave Place and appear dominant over and detrimental to the amenity of No 5. [Officer Note: the proposal is not adjacent to the boundary with No. 5; this neighbouring property only adjoins the end of the application site].
- It would block the light of the sun setting from the west and would also block the view to mature trees from the garden of No. 5 Wyngrave Place which is enjoyed through the existing gap between No. 7 Wyngrave and No. 1 Pitch Pond Close. [Officer Note: there is no right to a view and this is not a material planning consideration].
- It represents an overuse of the plot, to the detriment of the existing neighbouring houses which are part of a long-standing scheme of development consisting of good-sized detached houses sited on good-sized plots of land.

CONSULTATIONS

District Tree and Landscape Officer:

The footprint of the proposed front extension comes no further forward than the existing ground floor study and music room, and I was told that there are no plans to change the existing parking area. Consequently there should be little effect on the large pine, which is about 18m in height, and the birch, which is about 12m in height, that are both close to the front boundary of the property. The garage extension is likely to involve the loss of some shrubs up to 2m in height on the side boundary. The proposed extensions at the rear would be no further back than the existing family room but the plans show an extended patio area behind this and a brise soleil patio area behind the proposed dining room. The closest tree is a hornbeam about 12m in height, which is about 10m behind the existing family room. There are also four oak trees protected by Tree Preservation Order No 4 of 1982 within the former site of Magnolia Cottage well over 20m from the building. None of these trees should be affected by the proposal. I have no objections to the application but some protective fencing for the front boundary trees, particularly the pine, would be useful.

POLICIES

National Planning Policy Framework.

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GC4, H13, H14, H15, H16, H17, TR11, TR16.

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

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

EVALUATION

Principle of development

1. The application site is located in the built up area of Knotty Green wherein extensions to existing dwellings are acceptable in principle, subject to compliance with the relevant policies of the Development Plan.
2. This application follows a previously approved application, for similar extensions. The differences are set out above in "The Application" section. The previous permission has just expired, but the relevant policies remain the same and therefore this is an important material consideration, as it would be unreasonable to introduce new objections to a similar development, assessed under the same policies. Essentially, the overall width across the plot is identical between the applications, there is a change to the front section which is now twin-gabled rather than one wider gable, the two storey depth along the NE flank has been reduced, and a new element is now proposed, wholly to the rear. This latter element is a part two storey, part single storey section, with the two storey part only being 2m in depth, and with a single storey section projecting beyond that.

Design/character & appearance

3. Pitch Pond Close is characterised by detached properties on rectangular plots, and the properties are set fairly close to each other, with relatively small gaps between their flanks. The previous planning permission has established the acceptability of the majority of the works currently proposed and given that this was assessed under the same Development Plan policies, could not reasonably be subject to a different decision. The width of the extension would mean that the house would occupy a large proportion of the width of the plot. However this is identical to the previous permission and similar to others in the road, notably No. 3, on the adjacent plot, which has recently undergone a large extension, also retaining a 1m gap to the side boundaries of the plot.
4. In terms of the differences now proposed, the two storey front element is now proposed to be 2.6m wider, with twin gables, rather than one wider gable as previously approved. The depth and forward projection is identical to the previous scheme and, it should be noted, has the same forward projection as the recently constructed extension at No. 3. The twin gables result in a more symmetrical appearance than the previous permission and are located centrally on the front elevation, reflecting the appearance of the house and indeed the similar forward projection recently built at No. 3. The single storey side extension has been increased by 1 metre in depth, which is a minor difference when compared to the previously approved scheme. The first floor side extension (NE side) has been reduced by 0.6 metres in depth to the rear and also notably reduced in depth to the front, as the long catslide roof has been removed. A front dormer was proposed in this section previously, and this is no longer proposed. As this section is smaller than previously approved, no objections are raised. A part single and part two storey extension has been introduced to the rear. This is very modest in

size at two storey level, only projecting 2m from the existing rear wall, and designed to reflect the appearance of the dwelling, with two subordinate gable features. The proposed single storey extension projects 5m beyond that, and is not noticeable in the wider area, as it is set wholly to the rear of the property. This rear section would also be reflective of other rear extensions erected in the locality.

5. The proposed extensions would therefore be largely similar to those previously approved, with the additional elements being modest in size and satisfactorily integrating with the appearance of the dwelling. It is therefore considered that the proposal would not adversely affect the character and appearance of the locality and therefore complies with Local Plan Policies GC1, H13(ii), H14, H15, H16 and H17 and Core Strategy Policy CS20.

Residential amenity

6. No objections were raised by the Council to the previous scheme regarding the impact on the amenities of any neighbouring properties. The current application is very similar in terms of its impact on neighbouring properties, and this is expanded on in the assessment below.

7. The proposed two storey side extension would be adjacent to the boundary of the application site with No. 7 Wyngrave Place to the NE. The ground floor section of the extension is marginally deeper than previously approved (by 1m), however, the depth of the extension at first floor level along this boundary has been reduced when compared to the previously approved scheme. As such the bulk along the flank is less than the previous scheme. It would therefore not be possible to raise an objection. In any event, this neighbouring dwelling is located on a corner plot and is angled such that the main outlook from the only ground floor flank window would not be directly towards the proposed extension. It is not therefore considered the proposed side extension would appear overbearing or visually intrusive to this neighbouring dwelling at No. 7 Wyngrave Place.

8. The occupier of No. 5 Wyngrave Place has submitted the only objection to the plans. However, this raises some issues that are not material planning considerations, like the loss of a view. The proposed extension would be set some distance from No. 5 and it is clear that it would not adversely affect the amenities of this property. It would not result in overshadowing or loss of light when set at the distance proposed. In any event, the extension is similar to the previous approval, and with a smaller first floor depth along the NE side, as described above.

9. With regards to the adjacent dwelling to the south-west at No. 3 Pitch Pond Close, this property has recently been extended to a similar degree as the current proposal. It benefits from a large single storey rear extension along the shared boundary with the application site. The proposed ground floor extension would have a flank to flank relationship with this property and the first floor rear element would have a modest rearward projection, as described above. As such, it is considered that the proposed extension would not appear overbearing or visually intrusive. The only first floor flank window in the proposed extensions is in the front extension, facing towards No. 3. However, this faces the neighbouring driveway and in any event, is a window set above an interior void, above the hallway (this can be seen on the first floor plan). As such it would not be possible to look out of this window to any degree. Mindful of the above, it is considered that the extensions would not adversely affect the privacy or amenities of the occupants of this, or any other, neighbouring dwelling. No objections are therefore raised with regard to Local Plan Policies GC3, H13(i) and H14.

Parking/Highway implications

10. The dwelling currently has a gross floor area in excess of 120 square metres and has off road parking for 3 cars to the front driveway, which complies with the current parking standard. The existing garage is deficient in length to count towards the parking provision. It is proposed to enlarge the garage and retain the existing

driveway. As such, the parking situation would be improved further and no objections are raised with regard to Local Plan Policies TR11 and TR16. It must also be noted that no objections were raised to parking under the previous scheme.

Trees

11. The Tree Officer has recommended a condition requiring tree protection fencing around the trees in the front garden, to protect them during construction.

Conclusion

12. For the aforementioned reasons, the application is recommended for approval.

Working with the applicant

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

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 submitted plans which are considered acceptable.

Human Rights

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 C108A General Time Limit

2 C432 Materials As on Plan or spec

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows/rooflights, other than any shown on the plans hereby approved, shall be inserted or constructed at any time at first floor level or above within either of the flank elevations or roofslopes of the extensions hereby approved.

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

4 The pine and birch trees at the front of the property shall not 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 either tree is removed, uprooted, 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 area of the retained trees shall not be altered.

Reason: To retain the existing established trees 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.

5 Prior to the start of any construction works on site, tree protection fencing shall be erected around the crown spread of the pine and birch trees in the front garden of the site, in accordance with British Standard 5837:2012. The fencing shall then be retained in this position until the development is completed. Within this enclosed area there shall be no construction works, no storage of materials, no fires and no excavation or changes to ground levels.

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

6 AP01 Approved Plans

PL/18/3539/FA

Case Officer: Carrie Chan
Date Received: 26.09.2018
Parish: Chalfont St Giles
App Type: Full Application
Proposal: Single storey rear extension, rear dormer, roof lights and alterations to fenestration.
Location: Spinelle
Narcot Lane
Chalfont St Giles
Buckinghamshire
HP8 4DX
Applicant: Mrs C Curtis

Decide by Date: 14.12.2018
Ward: Chalfont St Giles

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Area Special Advertising Control
Within Green Belt other than GB4 GB5
Mineral Consultation Area
North South Line
GB settlement GB4,6,12,23,H7,13,19

CALL IN

Councillor Bray has requested that this application is referred to the Planning Committee if the Officers' recommendation is for approval.

SITE LOCATION

The application site is a detached chalet bungalow located on the east side of Narcot Lane in Chalfont St Giles. The dwelling itself is set closer to the northern boundary of the plot and approx. 15m back from the main road, with the benefit of a large garden to the rear, and hardstanding/driveway/garage to front and side. Immediately to the south of the application site is a detached chalet bungalow 'April Cottage', set approx. 7m further back from the main road and constructed up to the shared boundary. Immediately to the north of the site is 'Brambledene', a two storey detached dwelling positioned further forward in its plot than Spinelle and April Cottage.

This section of Narcot Lane comprises a variety of medium sized detached two storey dwellings and bungalows, with differing setbacks from the road.

THE APPLICATION

This application proposes to erect a modest single storey rear extension, a dormer to the rear roofslope, side rooflights and alterations to the fenestration.

- Existing dwelling (excl garage): approx. 170m² and measure 9.2m in width, 13.5m in depth and 6.4m in height (eaves at 2.6m)

- Proposed single storey rear extension would have a crown roof, measuring 5.2m in width, 3.6m in depth with an overall ridge height of 3.2m (eaves 2.6m). It is to be located to the rear of the property, set off both boundaries and set in from the existing flank walls.

- The proposed rear dormer would be located in the existing rear roof slope, measuring 2.8m in height, 2.4m in width and proposed to project 3.4m from the roof slope. It would be set 0.4m lower than the existing roof ridge and 1m up from the existing eaves.

In respect to the proposed roof lights and changes to the existing fenestration, these could be carried out with requiring express planning permission.

Officer note: Amended plans were received following the site visit with a further 14 days re-consultation undertaken.

RELEVANT PLANNING HISTORY

None relevant.

PARISH COUNCIL

Comment received on 21/08/18:

The Parish Council object to this application.

- The property is on green belt land and there appears to be an increase in size of over 50% contrary to policy GB13 of the Adopted Local Plan 1997 [Officer Note: there is no such limit in Policy GB13. In any event, Policy GB13 does not apply, as the site is located in a defined Row of Dwellings in the Green Belt, where Policy GB12 applies for residential extensions - there is no size limit that policy].

- The established hedgerow forming part of the boundary of the property is currently in sound condition and is of good amenity to wildlife value. There are concerns that building so close to the boundary will damage the root system and therefore kill the hedge, contrary to policy GC4 of the Adopted Local Plan 1997 [Officer Note: the hedge is not protected and could be removed anyway].

- The plans will cause a significant loss of natural daylight to the neighbouring property contrary to policy GC2

- The design and layout of proposed buildings and extensions to existing buildings enables existing land or buildings to be protected from significant loss of sunlight and daylight.

Officer note: Application site is within a row of dwellings in the Green Belt therefore policy GB13 does not apply.

REPRESENTATIONS

Two letters received following initial notification and raising concerns about the following issues:

- Built right on/over the boundary line.
- Access
- Damage to existing hedgerows.
- Natural sunlight.
- Dormer is over-bearing.
- Overlooking.

One further letter received following reconsultation and raising concerns about the following issues:

- Amended scheme still unacceptable.
- Alters nothing.
- Hedgerows still affected.
- Loss of natural light.

- GB13 - over 50% [Officer Note: there is no such limit in Policy GB13. In any event, Policy GB13 does not apply, as the site is located in a defined Row of Dwellings in the Green Belt, where Policy GB12 applies for residential extensions - there is no size limit in that policy].
- Environmental impact.

CONSULTATIONS

None relevant.

POLICIES

National Planning Policy Framework.

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GB2, GB4, GB12, TR11, TR16, H14, H15, H17.

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

Sustainable Construction and Renewable Energy SPD - Adopted 2 February 2015.

EVALUATION

Principle of development

1. The site is located in a defined Row of Dwellings within the Green Belt where extensions to existing dwellings are acceptable in principle, subject to complying with the relevant policies of the Development Plan. Several representations have been received commenting on Policy GB13. This only applies to dwellings in the open Green Belt, and states that the cumulative effect of subsequent extensions to a building will be taken into account. The site is within a defined Row of Dwellings and as such Policy GB12 applies, not GB13. There is no restriction on size in this policy and an extension is acceptable in principle, as long as it does not adversely affect the character of the area, the amenity of neighbouring properties, etc.

Character & appearance

2. Policy GC1 refers to the design of development throughout the district. It refers to appropriate scale, siting, appearance and building materials when designing developments to respect the character of the area. The proposed extension and dormer will be located to the rear and, from the street scene of Narcot Lane, both elements will not be readily visible. The proposed extension would project a modest 3.6 metres from the existing rear wall of the property. Normally, in isolation, this size of extension would be permitted development but, in this case, it is attached to a previous extension. It has been designed and sited to respect the scale and proportions of the existing dwelling and the plot it is situated in. It would have a low eaves level (2.6m) to match the host dwelling and is of a very modest scale. It would clearly have no adverse impact whatsoever on the character or appearance of the locality.

3. The rear dormer would be located centrally in the rear roof slope. Again, a rear dormer could be erected as permitted development, had it not been attached to a previous extension. The proposed dormer is of a traditional design and appearance, featuring a pitched roof that would reflect, and integrate well with, the existing building. It is modest in size and well proportioned for the roof slope, sitting below the ridge level. It would also match the existing front dormer. As such, the proposed dormer would be sympathetic to the existing property.

4. In terms of materials, both the extension and dormer will be constructed of the same materials to match the existing facing materials of the dwelling. The proposals will clearly have no adverse impact on the character of the property or the wider area.

5. The comments from the Parish Council are noted, although their reference to Policy GB13 and Green Belt restrictions is incorrect. They comment that there could be damage to a hedge, which is not fully understood, as the extension is set off the boundary, further away than the existing flank wall of the dwelling. As noted on the officer's site visit, the extension would not touch or indeed affect the hedge.

Residential amenity

6. The single storey extension would only protrude 3.6m into the rear garden and would be set in from both existing flank walls. Third party letters and the Parish Council comment that it would cause a significant loss of daylight to the neighbouring property. This is clearly not the case, as it is single storey (3.2m high) and only barely above the eaves height of the existing bungalow, which themselves can barely be seen from neighbouring gardens. The rear dormer would also not be highly visible from the rear amenity areas closest to the neighbouring dwellings, given the variation in setback. The dormer would afford some views of the far end of the neighbouring gardens, but there is already a rear rooflight which affords the same views, and it would simply not be possible to object to this relationship in a row of dwellings. It is noted that neighbouring properties are two storey houses and arguably have a greater level of overlooking towards the application site than that currently proposed. Mindful of the above, the proposals would not in any way appear overbearing or intrusive, or adversely affect the amenities of either neighbouring property.

Parking/Highway implications

7. There is sufficient off-road parking to accommodate a minimum of three vehicles within the application site, therefore no objection in regard to the Council's parking policies.

Conclusions

8. For the aforementioned reasons, the application is recommended for approval.

Working with the applicant

9. In accordance with Section 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal. Chiltern District Council works with applicants/agents in a positive and proactive manner by:

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

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

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

Classification: OFFICIAL

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

INFORMATIVES

- 1 **INFORMATIVE:** The applicant is reminded that the granting of this householder planning permission by the District Council (The Planning Authority) relates solely to the erection of a single storey rear extension and rear dormer. It does not authorise the right to access land not within the ownership of the applicant. Please be advised that consent may be needed to access privately owned land.

The End

Classification: OFFICIAL

Appeal Decisions

Site visit made on 8 October 2018

by Sandra Prail MBA, LLB (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 12 November 2018

Appeal Refs : APP/X0415/C/17/3187747 and 3187748

Land on the north side of Timberley Lane, Kings Ash, Buckinghamshire

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr Peter Dolling and Mrs Julia Francis Dolling against an enforcement notice issued by Chiltern District Council.
- The notice was issued on 18 September 2017.
- The breach of planning control as alleged in the notice is without planning permission (i) the material change of use of the land from agriculture (sui generis) to equestrian (sui generis)(the unauthorised use) and (ii) the erection of a stable block (B1), a hay barn (B2) and two field shelters (B3 & B4) marked in the approximate positions on plan B attached to the notice and (iii) the construction of an associated concrete hardstanding and the formation of an associated hardcore hardstanding marked in the approximate position shown hatched and cross hatched on plan B attached to the notice.
- The requirements of the notice are (i) cease the unauthorised use of the land (ii) demolish/dismantle the stable building (B1), hay store (B2) and field shelters (B3 and B4) and remove all resulting debris and materials from the land (iii) remove the concrete hardstanding from the part of the land shown hatched on plan B attached to the notice and remove all resulting debris from the land, 'rip' the land from where the concrete was laid to alleviate compression of the ground and remove from the land all material arising from the ripping and (iv) take up and remove the hardcore hardstanding from that part of the land shown cross hatched on plan B attached to the notice, rip the soil from that part of the land where the hardcore has been removed to alleviate compression of the ground.
- The period for compliance with the requirements is eight months.
- The appeal is proceeding on the grounds set out in section 174(2) (c) and (f) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: the appeals are dismissed and the enforcement notice is upheld

Preliminary matter

1. The initial appeal form indicated an appeal on ground (a). But in the absence of payment of the requisite fee and as confirmed during the course of the appeal that ground of appeal has lapsed. Accordingly, I shall determine the appeal under grounds (c) and (f) only.

Ground (c) appeal

2. This ground of appeal is that the matters alleged do not constitute a breach of planning control. A breach of planning control comprises the carrying out of development without the required planning permission. The meaning of

development is set out in section 55 of the 1990 Act (as amended) and includes the carrying out of building, engineering, mining or other operations in, on, over or under land. The onus of proof rests on the Appellants and the test of evidence is the balance of probabilities.

3. The Appellants' case is that the field shelters marked B3 and B4 on plan B attached to the notice are not development as they are not buildings. There is no dispute between the parties concerning the unauthorised use, stable block, hay barn and hardstanding and I therefore address the field shelters only in this ground of appeal.
4. In determining whether each field shelter constitutes a building (as defined in section 336 of the 1990 Act (as amended)) or a building operation or other operation within the meaning of section 55 I have assessed their size, degree of permanence and physical attachment.
5. The fields shelters are of not insignificant size. They are robust and solid and have the appearance of permanence. I note that the Appellant says that they are capable of being moved by a 4x4 vehicle or tractor but there is nothing before me to suggest that they have ever been moved from their current position. The photographic evidence produced by the Council strongly suggests that the shelters have been in place for some time and that in particular the shelter marked B4 has not been moved for a period of more than three years. I note that there are no physical foundations and that they rest upon the ground under their own weight. No one factor is conclusive and on balance on the facts of this case I find that the field shelters comprise buildings for the purposes of section 55 of the Act.
6. As a matter of fact and degree I find that each of the field shelters can reasonably be regarded as a building for the purposes of the 1990 Act (as amended). It follows that they comprise development requiring planning permission and that the matters alleged in the notice constitute a breach of planning control.
7. I note the Appellants' comments about the purpose of the stables for rescue and rehabilitation of horses and the character of the surrounding area but there is no ground (a) appeal before me and the planning merits of the development are not relevant to a ground (c) appeal.
8. For the reasons given above, I conclude that the appeal should not succeed on ground (c).

Ground (f) appeal

9. This ground of appeal is whether having regard to the purpose for which the notice was issued, the steps exceed what is necessary to meet that purpose.
10. There are two purposes which the requirements of an enforcement notice can seek to achieve. The first is to remedy any breach of planning control that has occurred. The second is to remedy any injury to amenity which has been caused by the breach. In this case the notice provides for cessation of the unauthorised use and demolition of the structures therefore its purpose is to remedy the breach and restore the land to its condition before the breach took place.

11. The Appellants say that the alleged breaches of planning control would be rectified by reduction in the hardstanding area and stables building. But such a proposal lacks detail and would not address the unauthorised use and hay barn. It is not the purpose of a ground (f) appeal to run planning merit arguments more appropriate to a ground (a) appeal and there are no obvious alternative steps before me that would meet the purpose of the notice or remedy the injury to amenity caused by the breach.
12. For the reasons given above, the ground (f) appeal does not succeed.

Formal Decision

13. The appeals are dismissed and the enforcement notice is upheld.

S. Prail

Inspector



Appeal Decision

Site visit made on 25 October 2018

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 9 November 2018

Appeal Ref: APP/X0415/D/18/3209591

Grey Cottage, Nairdwood Lane, Prestwood, Great Missenden HP16 0QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Helen Brown against the decision of Chiltern District Council.
 - The application Ref CH/2018/0850/FA dated 11 May 2018, was refused by notice dated 6 July 2018.
 - The development proposed is single storey detached building to form garaging and store.
-

Decision

1. The appeal is allowed and planning permission is granted for single storey detached building to form garaging and store at Grey Cottage, Nairdwood Lane, Prestwood, Great Missenden HP16 0QF in accordance with the terms of the application, Ref: CH/2018/0850/FA dated 11 May 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01; 02B; 03A and 04A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall accord with those shown on Plan 04A.
 - 4) The existing trees, bushes and planting shown to be retained on Plan 02B shall be protected by strong fencing, the location and type to be first approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
 - 5) The garage and store building hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for domestic storage incidental to the enjoyment of the dwelling house and for no other purpose.

Preliminary Matters

2. The revised National Planning Policy Framework (Framework 2018) came into force on 24 July 2018 and from that date policies within the Framework 2018 are material considerations which should be taken into account in decision making. Although the Council's reason for refusal did not specifically refer to the National Planning Policy Framework 2012 extant at the time of the decision, the Council referred to it in the Officer's report. From reading all the information before me from the Appellant and the Council, I am satisfied that the revised Framework 2018 carries forward the main policy areas from the earlier Framework, as relevant to this appeal.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the local area and landscape, including with reference to the Chilterns Area of Outstanding Natural Beauty.

Reasons

4. The appeal property is a detached dwelling on a generous plot on the eastern side of Nairdwood Lane. It is set back from the frontage behind dense vegetation, including a large mature oak tree. Nairdwood Lane has a wide variety of mainly detached houses along its eastern side, with an irregular front building line. The site and surrounding area lie within the Chilterns Area of Outstanding Natural Beauty (AONB).
5. The proposed garage and store would sit forward of the main dwelling but in terms of its proposed dimensions, and in particular its width and height, it would appear modest and subservient in form to the scale of the existing dwelling. It would also be sited well away from the side and front boundaries of the plot and so would not appear cramped in its position in relation to the main dwelling and the plot. Some of the existing vegetation would need to be removed but this would be limited and would not materially affect the existing established and mature planting.
6. The proposed new structure would sit broadly in line with the neighbouring property at Yew Cottage and there would remain a generous area of front garden between the garage and the front boundary. It would be partly hidden from street views because of the existing planting. Where views of the proposal would be available, and even if the frontage planting were to be reduced in the future, I consider that the building would be seen as part of the varied street scene along this part of Nairdwood Road. It would be seen in the context of the surrounding varied built development and would, as a result, have minimal effect on the landscape and scenic beauty of the AONB.
7. I therefore conclude that the proposal would respect the character and appearance of the local area and would conserve the landscape and scenic beauty of the AONB. There would be no conflict with Policies H15 and H20 of the adopted Chiltern District Local Plan 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011, as well as the Framework 2018, all of which seek a high standard of design which respects the local context and conserves and enhances the landscape and scenic beauty of AONBs.

Conditions and Conclusion

8. In terms of conditions, the materials as set out on Plan 04A should be specified in the interests of protecting the character and appearance of the existing property and of the local area, as well as a condition to list the approved plans for the avoidance of doubt and in the interests of proper planning. I also consider that a condition should be imposed to protect the existing vegetation shown to be retained and a condition imposed to retain the building in its intended use; these conditions are required to protect the landscape beauty of the local area and to accord with the terms of the proposal.
9. In order to be effective, it is my view that the condition relating to the protection of the existing vegetation requires to be a pre-commencement condition. In accordance with Section 100ZA (5) of the Town and Country Planning Act 1990 and The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, I have therefore requested and received the Appellant's written agreement to the imposition of this condition.
10. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR



Appeal Decision

Site visit made on 6 November 2018

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November 2018

Appeal Ref: APP/X0415/D/18/3211568

Endstead, Heath End Road, Little Kingshill, Bucks HP16 0EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Glen against the decision of Chiltern District Council.
 - The application Ref CH/2018/0904/FA, dated 14 May 2018, was refused by notice dated 9 July 2018.
 - The development proposed is double garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 24 July 2018. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Main Issue

3. While the Council's report refers to the proposal being inappropriate development in the Green Belt, this is not referred to in its reason for refusal and its principal assessment is of the effect on the character and appearance of the street scene as part of the Chilterns Area of Outstanding Natural Beauty (AONB). Accordingly, I have considered the appeal proposal on the same basis.
4. Therefore, the main issue is the effect of the proposal on the character and appearance of the street scene and this part of the Chilterns AONB.

Reasons

5. The appeal property is a detached chalet bungalow to the northern side of Heath End Road, within the village of Little Kingshill. The surrounding area is residential with various types and age of dwellings situated either side of the road frontage. The wider surrounding area is open countryside. As well as being in the AONB, the appeal property is located in the Green Belt.

6. The Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, amongst other designated areas. In this case the appeal property is within a village setting surrounded by other dwellings. Policy CS22 of the Core Strategy for Chiltern District concerns development in the Chilterns AONB and requires that all proposals must conserve and enhance the special landscape character, heritage and distinctiveness of the Area.
7. More generally, Policies GC1 of the Chiltern District Local Plan and CS20 of the Core Strategy require high standards of design in new development, including that it should respect and not harm the character of the surrounding area. These policies are broadly consistent with the Framework.
8. The Supplementary Planning Document *Residential Extensions and Householder Development* (the SPD) provides guidance in support of these policies, particularly with regard to features that contribute to local distinctiveness. It says that care needs to be taken in the siting of garages, particularly in areas characterised by open frontages which are clear of built form. In these areas it is unlikely to be acceptable to site a garage forward of a dwelling as this would disrupt the existing pattern of development.
9. Directly to east of the appeal property is a modern group of dwellings, while dwellings to the west, including the appeal property itself, are set on a broadly similar building line and layout. Properties on the opposite side of the road are positioned at more variable depths to the road frontage. However, none of these dwellings in the surrounding area have garages or other ancillary outbuildings to the front garden area close to the road.
10. In contrast to this general characteristic of this part of Heath End Road, the double garage would be positioned directly next to the front boundary. As such it would introduce substantive built development to the open and undeveloped setting to the front of the appeal property. Consequently, it would harmfully disrupt the existing pattern of development, contrary to the above policies and guidance.
11. While there is some planting to the front boundary, this would not fully screen views of the garage, particularly approaching from the east. Therefore, the garage would be prominent in views from the surrounding area from which its uncharacteristic and incongruous layout in relation to the surrounding area would be readily apparent. I agree with the Council that screening by vegetation should not be considered a mitigating factor to otherwise unacceptable development that will be permanent, particularly given the appeal property's location in an AONB where a high standard of protection is applied to avoid inappropriate development.
12. I acknowledge that there were no objections to the proposal. However, this does not overcome the harm that has been found and conflict with development plan policies and related guidance.
13. Accordingly, for the above reasons, I conclude that the proposed double garage would have an unacceptably harmful effect on the character and appearance of the street scene and this part of the Chilterns AONB. Consequently, it is contrary to the development plan policies and guidance referred to above.

Other policies referred to by the Council have not been provided as part of the appeal submissions.

Other Matters

14.I have had regard to an interested party's representation that the proposed garage would obstruct neighbours' sightlines. However, due to the separation distances involved and the fact that the garage would be positioned just behind the front boundary line, these concerns about the effect on highway safety would not be realised.

15.For the reasons given above it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR

Appeal Decision

Site visit made on 6 November 2018

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2018

Appeal Ref: APP/X0415/D/18/3210943

Penshurst, Lincoln Road, Chalfont St Peter SL9 9TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs van der Watt against the decision of Chiltern District Council.
 - The application Ref PL/18/2115/FA, dated 5 June 2018, was refused by notice dated 31 July 2018.
 - The development proposed is carport and new access and driveway.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the street scene; and, related to this, whether a precedent would be created for similar proposals in the surrounding area.

Reasons

3. The appeal property is a detached two storey dwelling set in a generous plot in a residential area of similar property types. It is one of three dwellings that form a small group along a short cul-de-sac spur off the main part of Lincoln Road. The site and surrounding area include mature planting and woodland, giving a verdant, semi-rural character and appearance.
 4. The three similar properties - Penshurst, Harthorpe and Holly House – are visually isolated from the properties along the main part of Lincoln Road. As such, they form a separate part of the overall street scene with its own particular characteristics. This is evident from the relatively large front gardens, which are open to the street with no boundary treatments. While the frontages include surfaced driveways there are no built structures in front of any of the three dwellings. The open aspect to the front of the small group of dwellings is an attractive feature of this separate part of Lincoln Road and, therefore, is an important element of its character and appearance.
 5. The proposed carport to accommodate two vehicles would be of a proportionate scale to the host dwelling and built from appropriate materials for its setting. Moreover, the open frontage would help to reduce its solidity and presence.
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Despite these mitigating factors, it would introduce substantive built development to the open and undeveloped setting to the front of the group of dwellings. Consequently, it would be highly prominent seen from its immediate surrounds from which views it would harmfully undermine the otherwise open frontages across the group of three dwellings and so would harm the character and appearance of the street scene.

6. The appellants draw attention to other examples of similar development in the surrounding area. However, as already found, the three dwellings form a separate part of the street scene and there are differences to the main part of Lincoln Road and surrounding streets where many properties have enclosed frontages, particularly with hedges and fences. Therefore, these other examples of development are not directly comparable to the appeal proposal and they do not lead me to reach a different conclusion.
7. In reaching these findings, I have taken full account of the scale of the development, particularly the appellants' noting an incorrect reference to its height in another party's representations. I acknowledge also that the proposed structure would not be highly visible within the wider area, including from the main part of Lincoln Road. It would, however, be a prominent and incongruous feature to neighbouring occupiers and visitors due to its siting in the otherwise highly open setting as found above.
8. I acknowledge the Council's concern that allowing this proposal could set a precedent for further development. However, I am mindful of the principle that development proposals must be considered on their individual merits and I have no particular evidence to suggest that similar proposals might come forward were this appeal to succeed. Any future development proposals would need to be similarly considered on their merits against policies and circumstances pertaining at the time. However, current concerns about such proposals coming forward do not weight against the proposal.
9. Nonetheless, for the above reasons, I conclude that the proposed car port would have an unacceptably harmful effect on the character and appearance of the street scene. As such, it is contrary to the following development plan policies, which require high standards of design in new development, including that it should respect and not harm the character of the surrounding area: GC1, H13, H15 and H20 of the Chiltern District Local Plan; CS20 of the Core Strategy for Chiltern District; and H6 and H7 of the Chalfont St Peter Neighbourhood Plan 2013. These policies are broadly consistent with the National Planning Policy Framework.

Other Matters

10. I have had regard to a number of other matters raised by interested parties. I acknowledge the concerns raised about the accurate representation of property boundaries on the submitted plans and the contention that other development at the appeal property is not fully represented. I was, however, able to assess the effects of the proposal fully from the site inspection.
11. Highway safety does not have a direct bearing on the proposed carport, given the limited vehicle movements and slow speeds involved. Other matters about unrelated development at the appeal property or conjecture about future use of the proposed development are not relevant to the current appeal.

12. For the reasons given above it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR