

## PLANNING COMMITTEE – 21 March 2019

### REPORT OF THE OFFICERS

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

---

AGENDA ITEM No. 5

#### 5 DEFERRED APPLICATIONS

---

##### 5.1 PL/18/3410/OA (Case Officer: Mike Shires)

**OUTLINE APPLICATION FOR UP TO 6 DWELLINGS, INCLUDING DEMOLITION OF ONE DWELLING AND RETENTION OF 3 EXISTING DWELLINGS (NET ADDITION OF UP TO 5 DWELLINGS) WITH CAR PARKING, LANDSCAPING, AMENITY SPACE AND ASSOCIATED VEHICULAR ACCESS (MATTERS TO BE CONSIDERED AT THIS STAGE: ACCESS)**

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

##### **Matter for consideration**

- 5.1.1 Members will be aware that this planning application was heard by the Planning Committee at the meeting of 20<sup>th</sup> December 2018. The original Case Officer's report is attached at **Appendix FP.01**.
- 5.1.2 The application was deferred to allow officers to seek clarification from the Highway Authority regarding visibility splays, and also to negotiate with the applicant to reduce the number of dwellings proposed.
- 5.1.3 Clarification on the visibility splays has now been received and the applicant has reduced the number of new dwellings proposed. Officers consider this to be acceptable and the report sets out this reasoning in more detail.

##### **Representations received**

- 5.1.4 Since the previous Planning Committee meeting, the revised description of development and the additional information has been publicised for a 14 day period. Nine additional representations have been received (seven separate objections, plus two letters of comment). The main points are as follows:
- Development is still too dense and the density is far greater than the Mushroom Farm development [Officer Note: this is not the case. The approved Mushroom Farm development has a density of 10.99 dwellings per hectare (dph), and the current proposal is for 11.39 dph].
  - Vehicle movements will be more than forecast and lack of pavement along Ballinger Road [Officer Note: highways calculations are based on accepted TRICS data].
  - Will affect local residents, with construction also taking place at Mushroom Farm [Officer Note: this is unfortunately not a material planning consideration].
  - Has a bat survey been undertaken? [Officer Note: Yes; a bat survey was completed, which identifies three Common Pipistrelle bat roosts. The Council's Ecology Officer is happy that the measures proposed in the submitted Ecological Assessment are satisfactory and a Condition is recommended, to ensure that these are carried out].
- 5.1.5 The following comments are also raised, but they comment on the indicative plans. Layout, scale, appearance and landscaping are not being applied for at this outline stage, so any

positioning of dwellings, their scale, garden depths, parking provision or landscaping shown on the drawings are not formally part of the application. These matters would be addressed under a subsequent reserved matters application:

- Plot 4 will affect neighbour
- Rear garden depth of 15m is not adequate
- Concerns about parking
- Neighbouring gardens would be overshadowed
- Loss of privacy and view from neighbouring properties
- Object to any two storey development
- Unlikely that soft boundary treatments will be retained

## EVALUATION

### **Number of dwellings proposed**

- 5.1.6 Firstly, Members raised concerns about the number of new dwellings proposed. The original application proposed seven new dwellings (equating to a net gain of six dwellings, as one existing dwelling would be demolished). At the previous Committee meeting, some Members spoke about a reduction to five new dwellings being more acceptable. However, it was decided to defer the application to allow Officers to negotiate with the applicant, for them to ideally remove the number of dwellings proposed from the description. The application would then simply be an outline application for "residential development". This would, if granted, just accept the principle of developing the site, with exact numbers to be determined at the subsequent reserved matters stage.
- 5.1.7 The above was discussed with the agent, who was also present at the previous Committee meeting and was hence aware of the Members' discussions. After liaising with his client, he was reluctant to remove the numbers of dwellings entirely from the description of the application, as this would create short term problems with funding, as the bank would not lend the funds to buy the site if there was no certainty on the number of dwellings proposed. As a compromise, he proposed amending the description, to remove a dwelling, thus resulting in a net gain of five dwellings. The new description is as above, in the title of this report, and now proposes a net gain of five new dwellings instead of six.
- 5.1.8 Further information has also been submitted by the agent, namely two indicative layouts for the site and a densities diagram, analysing the density of the proposed development against the surrounding areas. The two site layouts are purely indicative, as layout is not being applied for at this outline stage.
- 5.1.9 The agent's case regarding deliverability and bank funding does have to be given weight, as it is important to appreciate that the site may not come forward for housing at all, if no certainty on numbers of dwellings can be given. The removal of a dwelling allows the proposal to have a very similar density to the neighbouring areas of the village, as the agent's information demonstrates. The comments from third parties regarding density are also noted. Although there are no policies which seek specific densities, the density originally proposed was 12.66 dwellings per hectare (dph) and the new density now proposed is 11.39 dph. In comparison, the density of the existing residential areas around the site ranges from 10.34 dph to 12.26 dph. As such it would be very difficult to claim that the new development would be more dense than the surrounding areas, as it would not be. The amended density of the site with six new dwellings is also very similar to the nearby Mushroom Farm development which was recently approved (at 10.99 dph). As such, the reduced number of dwellings now proposed would reflect the surrounding areas to a much greater degree than the previous proposal which was considered by Members. The spacing between the new houses shown on the indicative layouts is also notably greater than the general spacing around the surrounding

development. Officers therefore consider that the revised number of dwellings is an acceptable quantum of development for the site.

- 5.1.10 The Indicative site layout plans also show that a development of six new dwellings could be accommodated satisfactorily, with garden depths of between 15 and 21 metres, which is largely in excess of that required by Policy H12.

### **Visibility splays**

- 5.1.11 The original comments from the County Highway Engineer stated:

*"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."*

Members were unclear about the reference to a 1 metre visibility splay in the above comments, and asked Officers to obtain clarification from the County Highway Engineer.

- 5.1.12 This clarification has now been sought. Normally, when visibility splays are measured, they are taken from a point at the centre of the new access, 2.4m back from the edge of the main carriageway (the "X distance"), and that notional line extends out along the road for, in this case, 43m (the "Y distance"). This point is drawn at the edge of the carriageway, 43m distant from the centre of the new access. It is most important for this Y distance to be measured to the nearest edge of the carriageway to the right on exit, as oncoming vehicles will be travelling on the nearside lane of the road. However, Manual for Streets states that for the Y distance to the left on exit, it is acceptable to draw this slightly into the carriageway, as oncoming vehicles will be on the far side of the road when approaching from the left. In this case, the 1m distance referred to is the end of the Y visibility splay, which is drawn at a point 1m into the road, rather than on the edge of the road. Essentially, the County Highway Engineer is satisfied that satisfactory visibility can be achieved and it accords with the guidance set out in Manual for Streets. A diagram to explain this further will be shown to Members as part of the initial presentation at the Planning Committee meeting.

### **Previously developed land**

- 5.1.13 A further issue that was commented on by Members, and the public speakers, at the previous Planning Committee meeting, was whether the site is previously developed land. This point has been somewhat misunderstood. Paragraph 145 of the NPPF (2018) contains a list of seven categories of development that are not inappropriate in the Green Belt. The two categories that are of relevance are:

e) *"Limited infilling in villages"*, and

g) *"Limited infilling or the partial or complete redevelopment of previously developed land..."* (this point is subject to also further criteria).

- 5.1.14 If the proposal is assessed under (g) above, it would need to be previously developed land to be acceptable in principle. However, this is not relevant, as it is under point (e) that the proposal is to be assessed. Point (e) is not dependent on whether the land is previously developed; it simply says that "limited infilling in villages" is acceptable, whatever the status of the land. Therefore, whether the land is previously developed or not has no bearing on the principle of development on this site, having regard to the NPPF. The only principle issue of

relevance is whether it comprises limited infilling in a village. This assessment is set out in the original report to Committee. There can be no doubt that the site is within the boundaries of the village and it clearly does therefore constitute limited infilling in a village, having regard to the NPPF and recent appeal decisions. Indeed, Members approved ten new dwellings on the site of the Mushroom Farm, also in South Heath, in exactly the same circumstances, as “limited infilling in a village” in February 2018.

### **Affordable housing**

- 5.1.15 The final issue is regarding affordable housing. The original report to Members stated, in paragraph 12, that an affordable dwelling was required as part of the scheme (or, in exceptional circumstances, a financial contribution towards off-site affordable housing provision). This was due to the fact that the proposal was for a net gain of over 5 dwellings. As Members will be aware, the National Planning Practice Guidance (NPPG) states that planning obligations should not be sought for developments of 10 units or less, or, in certain rural areas (including an AONB), a lower threshold of 5 units or less.
- 5.1.16 The previous scheme was for a net gain of six dwellings, therefore a planning obligation was necessary to secure the affordable housing provision. As the revised scheme is for a net gain of five units in the AONB, the NPPG states that a planning obligation should not be sought. Therefore, it is not possible to require any affordable housing provision or contribution from the revised scheme and the recommendation is no longer “defer to approve subject to a legal agreement”; but simply to grant conditional permission.

### **Conclusion**

- 5.1.17 It is considered that the amended scheme and additional information submitted clearly show that six new dwellings (net gain of five) would constitute limited infilling in a village and could fit within the site whilst respecting the general density and character of the area, the amenity of neighbouring properties and the amenity of future occupiers. Matters relating to site layout, scale of the buildings, their appearance, and landscaping would be dealt with at the subsequent reserved matters stage. Furthermore, affordable housing is no longer required, due to the reduced number of dwellings proposed.

**RECOMMENDATION:** Grant Conditional Permission, subject to the Conditions and Informatives set out in the original report. Decision delegated to Head of Planning & Economic Development.

**5.2 PL/18/3887/FA (Case Officers: Lucy Wenzel / Mike Shires)**

**ERECTION OF TWO DETACHED DWELLINGS AND A FIVE BAY CAR PORT.**

**75 Lye Green Road, Chesham HP5 3NB**

**Matter for consideration**

- 5.2.1 Members will be aware that this planning application was heard by the Planning Committee at the meeting of 14<sup>th</sup> February 2019. The original Case Officer's report is attached at **Appendix FP.02...**
- 5.2.2 As Members had experienced difficulty accessing the site, the application was deferred to allow officers to seek site access arrangements from the agent, so Members could visit the site. This has been done and details passed to Members, to allow site access prior to the Planning Committee meeting.
- 5.2.3 Officers consider that the scheme is acceptable and the report sets out several updates and clarifications, bearing in mind the points raised by Members at the last meeting.

**Updates**

- 5.2.4 At the previous Planning Committee meeting, Officers gave several verbal updates to the report. These are repeated here, for clarification and completeness.
- 5.2.5 One additional letter of objection had been received, which had been sent direct to all Members.
- 5.2.6 The Town Council comments in relation to the application were incorrect in the report, and should have stated: *"The [Town Council] Committee recommends refusal of this application on the grounds of overdevelopment and being out of keeping with the character and appearance of the existing street scene. Moreover the Committee objects to the narrowness and length of the proposed access road which has no turning circles for waste lorries or emergency vehicles and raises its concern on the continued damage to trees and the loss of the waste bins area. The Committee strongly opposes the 'development by stealth' approach that is seemingly being pursued by developers in this area."*
- 5.2.7 Officer Note: Since the above objection was received, a tracked vehicle diagram has been supplied, showing that refuse vehicles and a fire engine could enter the site and turn satisfactorily, allowing them to exit in forward gear. The Highway Authority has been re-consulted and considers the details to be acceptable. It should also be noted that a refuse bin storage area is provided within the site, the Tree Officer does not object, and the "approach" commented on by the Town Council is strictly not a material planning consideration. It should also be noted that the Town Council do not explain what they mean by their descriptive term "overdevelopment"; or how this relates to the previous Appeal Decision, which clarified that the proposed plots and the spacing around two dwellings in this position were entirely acceptable and there was no adverse impact on the amenity of any neighbouring properties. With that in mind, it would be entirely unreasonable to now take a different view.
- 5.2.8 At the previous Planning Committee meeting, Officers recommended two additional conditions:
- (a) Prior to the occupation of any of the dwellings hereby approved, the "bin collection point" area shown on the Site Layout Plan hereby approved (Drawing No. 918:1119/PL100) shall be provided and it shall thereafter be retained for its stated purpose.

Reason: To ensure that space is provided within the development for residents to store their waste bins on the day of collection.

- (b) The dwellings hereby permitted shall not be occupied unless the five-bay detached car port has been built in accordance with the approved drawings (Site Layout Plan (Drawing No. 918:1119/PL100) and elevational drawings (Drawing No. 918:1119/PL105). This car port shall thereafter be retained in this position and retained for the parking of vehicles associated with the residential occupation of the dwellings on the site.

Reason: To ensure sufficient parking is available within the site, to reduce on-street parking in the area and avoid inconvenience and safety issues to other road users; and to ensure that the third dwelling permitted under planning permissions CH/2018/0366/FA and CH/2016/2230/FA is not built, as this would result in an overly dense development which has the potential to adversely affect the character of the area and fail to provide satisfactory amenity space and parking provision for future residents.

- 5.2.9 Since the previous Planning Committee meeting, the agent for the application has submitted additional representations in favour of the development, which has been sent direct to all Members.

## **Evaluation**

### **Recap of previous report**

- 5.2.10 The current application seeks permission for the erection of two detached dwellings and a detached car port. The site currently has planning permission for the erection of three detached dwellings sited to the south east of the plot, and the current application would replace one of those dwellings, thus resulting in a net gain of one dwelling. Members will be aware of the previous application for two dwellings (on the same siting as currently proposed), where the dwellings faced Warrender Road and access was taken from that road (Ref. CH/2017/2174/FA). This was dismissed at appeal, but the Appeal Inspector raised no concerns regarding the spacing around the proposed buildings and the plot sizes and shapes. His only concern was, by reason of the access coming off Warrender Road, that the dwellings would have been viewed in the context of that street scene, and would have failed to respect the character of that road. The appeal was therefore dismissed solely on that basis.
- 5.2.11 This concern has been addressed in the current application, as access would no longer be taken from Warrender Road and the dwellings would now face into the site, fronting the other houses forming part of this enclave of development. In fact, as one of the previously granted two dwellings in the centre of the site would no longer be built, this proposal increases the space around the properties and results in a better development. Also, the density of this scheme is actually lower than the previously approved, and extant, scheme, when the removal of one of the previously approved three houses is accounted for. Given that the Appeal Inspector stated that the plots and spacing around the buildings were perfectly acceptable and those aspects remain identical, raising these as new issues would be contrary to the appeal decision and would be entirely unreasonable.

### **Access width**

- 5.2.12 In terms of specific issues that Members commented on at the previous meeting, the width of the access was raised. This application proposes a 4.8m wide access (i.e. sufficient for two vehicles to pass) for 70% of its length, which is actually a notable improvement when compared to the previous permission for 3 dwellings, where only 30% of the access was 4.8m wide. The current scheme only proposes a net gain of one additional dwelling and this would clearly not lead to an adverse impact on the highway, which is confirmed by the County Highway Engineer. It is not possible to widen the access further, due to the presence of TPO

trees on either side. In any event, the access width is perfectly acceptable, and the entire development of four approved dwellings would only generate a maximum of 1 departure & 1 arrival per hour, on average. Notwithstanding that there is sufficient space for vehicles to pass; it would in any event be very rare for two vehicles to meet.

### **Waste collection**

5.2.13 There were also some comments about refuse collection. The previous, extant, approval for three dwellings required residents to wheel bins to a collection area at the junction of the access road with Lye Green Road, which is a distance of 80m. The current application now proposes a wider access, allowing for a refuse collection point within the centre of the site, which is recommended to be provided and retained by way of a Condition. This means that residents only have to transport their waste for 45m for the new dwellings and 20m for the two approved houses. Therefore, the waste collection provision for residents is notably improved from the previous, extant, permission. Furthermore, the access is a minimum of 2.75m wide and the largest refuse collection vehicle currently operated by CDC is less than that width. The highway authority has now confirmed that a refuse vehicle can enter and turn within the site safely. As such, no objections could be raised to refuse collection.

### **Conclusion**

5.2.14 The previous Appeal decision sets out important parameters for the development of this site, namely that no objections can be raised regarding the plot shapes and sizes, relationship to other properties, spacing between the buildings, or the impact on the amenities of neighbouring properties. The access width and refuse collection arrangements are also notably improved when compared to the previous permission for three dwellings, which remains extant. As such there are no planning grounds for a refusal. Officers therefore consider that the proposal is acceptable, having regard to the relevant Development Plan policies and all other material considerations.

**Recommendation:** Grant Conditional Permission, subject to the Conditions and Informatives set out in the original report, and the two additional Conditions set out above. Decision delegated to Head of Planning & Economic Development.

---

**AGENDA ITEM No. 6**

## **6 ITEMS FOR NOTING**

---

### **6.1 NEW PLANNING AND ENFORCEMENT APPEALS**

PL/18/3191/FA – Construction of detached garage, 129 Stanley Hill, Amersham

PL/18/3264/FA – First floor rear extension, 5 Grange Fields, Chalfont St Peter

PL/18/3422/FA – Erection of detached carport, 40 Copperkins Lane, Amersham

PL/18/3697/FA – Erection of open side carport and detached garage, Grove End, 10 Latchmoor Grove, Chalfont St Peter

PL/18/4129/FA – Loft conversion incorporating rear dormer, 26 Abrahams Close, Amersham

---

## 6.2 WITHDRAWN APPEALS

**CH/2018/0383/FA** - Single storey dwelling with associated hardstanding and vehicular access, Land to the Rear of 99 Berkeley Avenue, **Chesham**

Officer Recommendation: Refuse Permission

**Appeal Decision: Appeal Withdrawn (30.01.2019)**

---

## 6.3 APPEAL DECISIONS

**PL/18/2660/FA** - Two storey side extension, single storey side/rear extension and canopy to front porch, Glendale, Lycrome Road, **Chesham**

Officer Recommendation: Refuse Permission

**Appeal Decision: Appeal Dismissed (23.01.2019)**

---

## 6.4 PRIOR APPROVAL NOT NEEDED

**PL/18/4673/PNR** - Prior Notification under Class M of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Change of Use of rear of shop (Use Class A1) to one residential unit (Use Class C3) retaining existing shop at front, 128 High Street (Ground Floor), **Chesham**

---

## 6.5 WITHDRAWN APPLICATIONS

**CH/2018/0589/FA** - Redevelopment of site to provide 10 semi-detached, detached and terraced dwellings (mixture of 2-bed and 3-bed dwellings), together with reconfigured site access, private amenity space and car parking, P and A House, Alma Road, **Chesham**

**PL/18/4093/EU** - Certificate of lawfulness for existing use of drop kerb, 7 Chancellors, **Penn Street**

**PL/18/4659/VRC** - Variation of conditions 3 and 4 of planning application PL/18/2509/FA (Detached dwelling within curtilage with attached garage and creation of a new vehicular access.), Land Adjacent to Giles House, Doggetts Wood Lane, **Little Chalfont**

**PL/18/4733/FA** - Temporary change of use (16 weeks) of barn and small area of adjacent yard for film making, construction of set and use of hardstanding for stationing of support services, associated storage and parking, Moors Farm, Moors Lane, **Orchard Leigh**

**PL/18/4737/FA** - First floor rear extension, The Old Hen House, 4 Pump Meadow, **Great Missenden**

**PL/18/4759/PNO** - Prior Notification under Class O of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Change of Use from office (Use Class B1(a)) to 13 residential units (Use Class C3), Unit 1, 2 and 3 Saxeway Business Centre, Chartridge Lane, **Chartridge**

**PL/18/4797/PNTF** - Prior Notification of temporary use of land for film-making purposes under Class E, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, Moors Farm, Moors Lane, **Orchard Leigh**

**PL/19/0033/NMA** - Non Material Amendment to planning permission PL/18/2404/FA to allow: Alterations to single storey extension, 103 Stanley Hill, **Amersham**

**PL/19/0156/SA** - Application for a Certificate of Lawfulness for proposed: Single storey rear infill extension, 1 Redding Drive, **Amersham**

**PL/19/0211/EU** - Application for a Certificate of Lawfulness for an existing operation relating to the implementation of planning permission CH/2017/0313/FA (Independent Dwelling), The Stables, Paddock Way, **Ashley Green**

---

## 6.6 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. 7

## 7 REPORTS ON MAIN LIST OF APPLICATIONS

---

AGENDA ITEM No. 8

## 8 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

---