

CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 21st March 2019

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**Chartridge**

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Chartridge

Proposal: Demolition of existing dwellings. Erection of six dwelling houses and open fronted carports. Alterations to vehicular access.

Recommendation: Conditional Permission

**274 & 274A Chartridge Lane, Chesham, Buckinghamshire, HP5 2SG**

**Chesham**

**PL/18/4466/FA**                                      Ward: Asheridge Vale And                      Page No: 15  
Lowndes

Proposal: Creation of artificial grass pitch and store. Construction of fence, barrier and entrance gates to grass pitch perimeter, installation of floodlights and hard standing.

Recommendation: Conditional Permission

**Chiltern Hills Academy, Chartridge Lane, Chesham, Buckinghamshire, HP5 2RG**

**Great Missenden**

**PL/18/4598/FA**                                      Ward: Ballinger South Heath And      Page No: 22  
Chartridge

Proposal: Demolition of existing buildings and erection of 10 dwellings with garages, landscaping, car parking and vehicular access.

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

Decision delegated to Head of Planning & Economic Development

**Former Mushroom Farm, Meadow Lane, South Heath, Buckinghamshire, HP16 9SH**

**Little Chalfont**

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Proposal: Erection of outbuilding, incorporating habitable loft space (part retrospective).

Recommendation: Conditional Permission

**Rowan Cottage, 164 White Lion Road, Little Chalfont, Buckinghamshire, HP7 9NL**

**The Lee**

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Bellendon

Proposal: Single storey rear entrance porch to the north west elevation, new fenced bins and storage yard to the south elevation and formation of new landscaped patio area to the east elevation.

Recommendation: Conditional Permission

**The Old Swan Public House, Swan Lane, The Lee, Buckinghamshire, HP16 9NU**

# REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

## Main List of Applications 21st March 2019

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### **PL/18/4107/FA**

Case Officer: Emma Showan  
Date Received: **06.11.2018** Decide by Date: **18.03.2019**  
Parish: **Chartridge** Ward: **Ballinger South Heath And Chartridge**  
App Type: Full Application  
Proposal: **Demolition of existing dwellings. Erection of six dwelling houses and open fronted carports. Alterations to vehicular access.**  
Location: **274 & 274A Chartridge Lane  
Chesham  
Buckinghamshire  
HP5 2SG**  
Applicant: **Visao Ltd**

### **SITE CONSTRAINTS**

Article 4 Direction  
Adjacent to C Road  
Adjacent to Unclassified Road  
Within Green Belt other than GB4 GB5  
North South Line  
Unclassified road  
Within 500m of Site of Importance for Nature Conservation NC1  
Townscape Character

### **CALL IN**

Councillor Jones has requested that this application is determined by the Planning Committee if the Officers' recommendation is for approval.

### **SITE LOCATION**

The site is located off Chartridge Lane, in the built-up area of Chesham. It is located via a private access way between two detached properties which front Chartridge Lane, with the site bordering residential properties along three sides and open land to the South-West. The locality is residential in character, and is primarily characterised by detached dwellings of varying styles and appearances.

### **THE APPLICATION**

This application proposes the demolition of the existing dwellings and erection of six dwelling houses and open fronted car ports, in addition to alterations to vehicular access.

Plot 1 would accommodate a detached, two bedroom dwelling. It would have a maximum width of 9.2 metres, depth of 7 metres and pitched roof height of 7 metres, with an eaves height of 4.2 metres. It would have a garden depth of 10.1 metres.

Plots 2 and 3 would accommodate a pair of semi-detached, three bedroom dwellings. The third bedroom would be accommodated within the roof space. The building would have a maximum width of 11.2 metres, depth of 14.5 metres and pitched roof height of 9 metres, with an eaves height of 5.5 metres. The gardens would have a depth of 15 metres.

Plots 4 and 5 would accommodate a pair of semi-detached, four bedroom dwellings. The third and fourth bedrooms would be accommodated within the roof space. The building would have a maximum width of 13.4 metres, depth of 16 metres and pitched roof height of 9 metres, with an eaves height of 5.5 metres. The gardens would have a depth of 15.5 metres

Plot 6 would accommodate a detached, three bedroom dwelling. It would have a maximum width of 7 metres, depth of 16 metres and pitched roof height of 7.7 metres, with an eaves height of 4.2 metres. It would have a garden depth of 15 metres.

Four carports are also proposed which would accommodate 10 vehicles. These car ports would be located along the north-east boundary of the site and would have a maximum height of 4.3 metres, with an eaves height of 2.3 metres.

The dwellings would be served by an existing access onto Chartridge Lane and the properties would each have space within their curtilage for bin storage.

#### **RELEVANT PLANNING HISTORY**

CH/2017/2365/FA - Redevelopment of site to create six new dwellings with associated access and parking. Refused permission for the following reasons:

- The six dwellings would require the use of an existing substandard private vehicular access drive with no clearly defined pedestrian link and no potential passing points of adequate width
- By reason of the siting of the area of parking along the north eastern part of the site and the siting of the bin collection point along the access dive and directly at the boundary with No. 276 Chartridge Lane, the layout and design is not considered to be in keeping with the character and design of the surrounding properties

CH/2017/1552/FA - Redevelopment of site incorporating a two storey extension to each of the two existing dwellings, construction of four additional dwellings with associated car ports, parking, landscaping and alterations to existing vehicular access. Refused permission for the following reasons:

- The six dwellings would require the use of an existing substandard private vehicular access drive with no clearly defined pedestrian link and no potential passing points of adequate width
- By reason of its scale and siting, the dwelling on Plot 6 is considered to appear overbearing and intrusive when viewed from the rear amenity area of No. 54
- The siting of the parking area along the north-eastern part of the site and through the garden size proposed for Plot 3, the layout and design is not considered to be in keeping with the character and design of the surrounding properties
- Plot 3 would not provide an appropriate level of private amenity space for the occupiers of the proposed dwelling which would be exacerbated by the small area being north-west facing

- There would be no adequate main bin collection area and so the bins would not be collected from the site. The bins from the six properties on the highways verge on refuse and recycling days would provide a hazard and harm the character of the streetscene

This application was dismissed at appeal, but this appeal decision has since been quashed by the High Court (on 14th February 2019). This is explained further in the body of the report, below.

CH/2016/1038/FA - Demolition of two semi-detached dwellings, erection of terrace of four two storey dwellings with associated parking, landscaping and boundary fence. Refused permission for the following reasons:

- The proposed terraces, as a consequence of the scale, layout and design, would not be in keeping with the character, density and design of the surrounding properties
- By reason of the scale and siting of the proposed dwellings, they would appear overbearing and intrusive when viewed from the neighbouring dwellings
- The six dwellings would require the use of an existing substandard private vehicular access drive with no clearly defined pedestrian link and no potential passing points of adequate width
- There would be no adequate main bin collection area and so the bins would not be collected from the site. The bins from the six properties on the highways verge on refuse and recycling days would provide a hazard and harm the character of the streetscene

#### **PARISH COUNCIL**

Chartridge Parish Council considers six dwellings on this site to be over-development and the previous reasons for refusal have not been overcome. [Officer Note: It is noted that the Parish Council does not explain what they mean by overdevelopment, or what planning related harm arises from the perceived overdevelopment].

#### **REPRESENTATIONS**

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

- Previous objections have not been overcome
- The access road remains too narrow
- Concern regarding Highways comments which are inconsistent
- The access onto Chartridge Lane would add to the traffic hazards
- Insufficient visibility splays
- Concern regarding impact on neighbouring amenities
- Increased strain on local services
- Cramped form of development
- Loss of character
- Loss of trees
- Concern regarding safety of pedestrians
- Detrimental impact on red kites and bat population
- Contrary to NPPF which states that applicants should engage with local communities
- Overbearing and intrusive
- Application is factually inaccurate
- Loss of sunlight
- Car port will have a detrimental impact on No. 45 The Warren
- Unsafe area for refuse collection
- Insufficient car parking space
- Habitable accommodation in the roof space is out of character with the area
- Overdevelopment
- The site is not a brownfield or a windfall site

- Concern regarding inconsistency of the Highways department's advice
- Unacceptable intensification of substandard access
- The developer cannot guarantee on site waste collection
- Loss of daylight
- Unauthorised changes to the boundary
- Discriminatory against people with disabilities
- Proposal does not create linkages
- Poor design and contradictory to Access and Movement principles
- Increase in noise and air pollution
- Chartridge Lane already suffers from an excess of infill sites
- None of the examples provided by the applicant regarding substandard accesses share the same risks with the application site
- Access issues cannot be overcome
- Concern regarding emergency service access to the site
- Refuse collection still remains highly questionable

## CONSULTATIONS

### **Buckinghamshire County Highways Officer:**

'I note that this site has been the subject of a number of applications for residential developments, most recently under application CH/2017/2365/FA, which, in a response dated the 8th February 2018; the Highway Authority had no objections subject to conditions.

Chartridge Lane is a 'C' class road, which in this location is subject to a speed restriction of 30mph. The application site is accessed from Chartridge Lane via a service road which serves Nos. 264 - 276 Chartridge Lane.

In terms of trip generation, I would expect a dwelling in this location to generate in the region of 4-6 vehicular movements (two-way) per day. Given that the proposals would see a net gain of four dwellings on site, this would equate to a total of 16-24 additional vehicular movements a day, two-way. Therefore the proposed access point serving the development will need to be assessed in order to establish whether it is suitable to accommodate these additional vehicular movements.

Visibility splays from the proposed access point onto the service road would be improved from that of the previous application no. CH/2016/1038/FA, which proposed a total of four dwellings (net gain of two dwellings); however I also note that the Highway Authority did not raise an objection to the visibility splays previously. A separate access point to No.276 is also proposed, which I can confirm would benefit from adequate visibility splays.

As previously stated, the number of dwellings served via the access point would increase from 2 to 6, and as this is the case, there would be an increase in both pedestrian/cyclists and vehicles using the access road. It is therefore imperative that the width of the access is safe and suitable for all users. The submitted site plan shows an initial access width of 4.8m from the publicly maintained highway, which I can confirm is acceptable and would allow for a vehicle to pull clear of the carriageway whilst another car exits the site. After this point, the access would measure 4.3m for 19m, before narrowing further to 4.1m for 39m. A 4.3m wide access is resumed for 8m, before widening back out to 4.8m for the remainder of the site. Whilst not ideal, on balance, this arrangement would overcome the previous concerns of the Highway Authority given the relatively small scale of the development.

I acknowledge that application CH/2017/1552/FA for four additional dwellings on the site was ultimately dismissed on appeal by the Planning Inspectorate, and concerns were raised in relation to a sub-standard

access width, which measured 2.75m for a period within the site. In the decision notice, the Inspector makes reference to original plans submitted to the Local Planning Authority. It should be noted that during the planning process, amended plans were submitted that would have overcome the concerns of the Highway Authority, however these plans were not formally submitted to the Local Planning Authority, and therefore could not be taken into consideration during the planning stage. In the decision notice, the Planning Inspectorate states that 'there would be no prejudice to any party by accepting these plans at the appeal stage. I have therefore determined the appeal on the basis of the revised plans...', however, does not make any reference to the revised plans in discussion of the proposals.

The Highway Authority are of the view that an objection would not have been recommended had the application been based on the revised plans, of which form part of this application proposal.

With regard to refuse collection, I note that the applicant has also provided a swept-path analysis as part of the Transport Statement. The swept-path analysis shows a 10.32m refuse vehicle entering the site and leaving in a forward gear, however also appears to show the refuse vehicle slightly overhanging verges within the site. Notwithstanding this, I am confident that a refuse vehicle can enter the site, turn and leave the site in a forward gear. Manual for Streets guidance states that residents should not be required to carry waste more than 30m to the storage point, and waste collection vehicles should be able to get to within 25m of the storage point. The proposed site plan does not accord with these requirements, and residents will therefore have to carry their waste bins in excess of this distance to enable roadside collection from Chartridge Lane. Whilst this is not ideal, as the access road will not be adopted by the Highway Authority, I am not in a position to justify this as a reason for refusal of the application.

Mindful of the above, I have no objection to the proposals.' [Officer Note: the appeal decision referred to by the Highway Authority has since been quashed by the High Court. This is explained further in the body of the report, below.]

**Building Control Officer:**

'I have no objections or further comments to make.'

**Environmental Health Officer:**

'The proposed development involves the demolition of two existing dwellings, the erection of six dwelling houses and open fronted carports and alterations to vehicular access.'

The Council's historical maps indicate that the site was formerly part of a field (1874-1891), no changes are shown until the 1961-1971 epoch, the two properties are shown on the historical map for this epoch, a swimming pool is shown to the rear of no. 274.

The site does not appear to have had a previous potentially contaminative use and the previous use is unlikely to have given rise to anything more than diffuse anthropogenic contamination. However, the proposed development involves a sensitive end use and will introduce an increased number of receptors.

Based on this, the standard Land Quality Condition is required on this and any subsequent applications for the site.'

**Ecology Advisor:**

I have reviewed the ecological assessments provided in support of this application, including the Bat Roost Assessment Report produced by RSK (February 2019) which provides an up to date assessment of the site and likely impacts of the proposed scheme on bats.

A Brown Long-eared maternity roost and Common Pipistrelle satellite roost have been confirmed within the site, therefore a European Protected Species Mitigation Licence will need to be obtained from Natural England in order for the works to proceed. In accordance with the updated assessment, a series of dusk emergence and dawn re-entry surveys will be required to inform the licence application. Full mitigation measures will be agreed with Natural England.

In order to ensure a net gain in biodiversity is achieved as a result of the development, details of ecological enhancements shall be provided.

**Waste Officer:**

'The Joint Waste Service are able to support this application. Consultation with the developer has helped to realise improvements to find a resolution on previous constraints and restrictions for the safe ingress and egress of waste collection vehicles. No comment.'

**POLICIES**

National Planning Policy Framework, 2018.

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

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, H3, H11, H12, H18, TR2, TR3, TR11, TR15 and TR16.

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 Chesham where, in accordance with Local Plan Policy H3, proposals for new dwellings are acceptable in principle, provided they are compatible with the character of those area by respecting the general density, scale, siting, height and character of buildings in the locality, and the presence of trees, shrubs, lawns and verges. Other relevant Development Plan policies should also be complied with.

2. This application also follows on from planning application CH/2017/1552/FA for the redevelopment of the site incorporating a two storey extension to each of the two existing dwellings, construction of four additional dwellings with associated car ports, parking, landscaping and alterations to the existing vehicular access. This was refused permission for the following reasons:

- The six dwellings would require the use of an existing substandard private vehicular access drive with no clearly defined pedestrian link and no potential passing points of adequate width
- By reason of its scale and siting, the dwelling on Plot 6 is considered to appear overbearing and intrusive when viewed from the rear amenity area of No. 54
- The siting of the parking area along the north-eastern part of the site and through the garden size proposed for Plot 3, the layout and design is not considered to be in keeping with the character and design of the surrounding properties

- Plot 3 would not provide an appropriate level of private amenity space for the occupiers of the proposed dwelling which would be exacerbated by the small area being north-west facing
- There would be no adequate main bin collection area and so the bins would not be collected from the site. The bins from the six properties on the highways verge on refuse and recycling days would provide a hazard and harm the character of the streetscene

3. This application was appealed by the Applicant and the appeal was dismissed, with the Planning Inspector concluding that the proposal would not provide a safe and suitable access, would harm the amenity of the occupiers of No. 54 The Warren, would not provide a suitable amenity space for the future occupiers of Plot Three and would harm the character and appearance of the area. However, this appeal decision has since been quashed by the High Court and therefore the decision itself carries no weight. This is because the Appeal Inspector stated he was going to take into account amended plans showing the revised access arrangements to the site, but then did not appear to reference those amended plans or consider them when reaching his decision. The High Court Judge stated that this was an error in law, and a different decision may have been reached by the Inspector, had he properly considered the correct plans, particularly as the Highway Authority had not objected to the new highway-related plans. In addition, although there were other reasons for refusals, the Judge stated that it is not the place of the High Court to assess the "planning balance" of a scheme, so if a different conclusion had been reached by the Inspector on the highways issue, the Judge could not be certain that the overall planning balance would have been weighted differently, i.e. the absence of highway related harm may have outweighed the other concerns of the Inspector too. As such the only option for the Judge was to quash the appeal decision in its entirety.

4. During the above appeal process, the Applicant submitted a revised scheme for the redevelopment of the site to create six new dwellings (reference CH/2017/2365/FA). This application was also refused, but it was considered that that some of the previous reasons for refusal had been overcome by way of the amended plans. The two remaining reasons for refusal were:

- The six dwellings would require the use of an existing substandard private vehicular access drive with no clearly defined pedestrian link and no potential passing points of adequate width
- By reason of the siting of the area of parking along the north eastern part of the site and the siting of the bin collection point along the access drive and directly at the boundary with No. 276 Chartridge Lane, the layout and design is not considered to be in keeping with the character and design of the surrounding properties

5. Following the previous refusal of CH/2017/2365/FA and CH/2017/1552/FA, the Applicant has submitted a revised scheme. The main difference between this latest scheme and the scheme submitted as part of CH/2017/2365/FA is that Plots 2, 3, 4 and 5 would contain additional bedrooms within the roof space. These would be facilitated through the creation of rear dormers. No other changes to the siting, parking etc. are proposed. The Applicant has also submitted supporting documentation regarding the proposed access. The Applicant will need to have demonstrated that the amended plans and supporting documentation are sufficient to overcome the previous reasons for refusal.

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

6. The scheme proposed within this application would be comparable to the scheme submitted under application CH/2017/2365/FA, with the only major difference between the two schemes being the insertion of rear dormers at Plots 2, 3, 4 and 5 in order to facilitate habitable accommodation with the roof spaces of these dwellings.

7. No objections were raised as part of the previous application in regards to the type and design of the dwellings proposed. In addition, the siting was considered to be acceptable. As these elements of the proposal remain the same, no new objections are raised in these respects. However, this latest scheme differs from the previous applications in that Plots 2, 3, 4 and 5 would now contain rear roof dormers which would



allow for the creation of additional bedrooms and living accommodation with the roof space. Second floor rear dormers are not characteristic of the locality, however these dormers are modestly proportioned and in keeping with the proportions of their respective roof slopes. In addition, given that they would be sited in the rear elevations and that the proposed development would not have a frontage onto a public highway, the dormers would not be prominent in views of the locality and so they would not give rise to any significant harm to the overall character of the area. No objections are therefore raised regarding the type, appearance and siting of the proposed dwellings.

### **Residential amenity**

8. The previous application raised no objection in terms of loss of neighbouring amenity and the scheme was considered to be acceptable in terms of its impact on neighbouring properties. As this latest application has not proposed any changes to the siting of the dwellings or their gardens, it remains that no new objections are raised in these respects.

9. Nonetheless, this latest scheme proposes to introduce roof dormers to allow for the creation of habitable accommodation in the roofspace. In terms of the impact of these on neighbouring amenities, it is accepted that the orientation of the rear elevations of the proposed dwellings, and therefore the siting of the dormers, would be such that they would not have a direct view into any neighbouring properties. Adequate distance would also remain between the dormers and the neighbouring properties to prevent undue overlooking. Accordingly, the impact of the proposal on neighbouring amenities is considered to be acceptable and no further objections are raised.

10. Concerns raised by neighbours in regards to an increase in air and noise pollution, in addition to an increase in traffic and disturbance are noted, however these are not planning considerations and so will not be taken into account in the assessment of this application. It is also noted that there is an ongoing disagreement over the boundary between the application site and No. 272 with the respective parties being involved in legal action. This too is not a planning consideration and so will not form a material consideration in the assessment of this application.

### **Refuse collection and waste recycling and fire service access**

11. Concerns were previously raised in earlier applications in regards to fire safety and waste collection as it was indicated in the consultation responses that the access drive and turning circle would not be suitable for these vehicles. As part of application CH/2017/2365/FA and this application, the Applicant has submitted a swept path analysis for a fire fighting vehicle and this has been reviewed by the Building Control Officer who has confirmed that this conforms with the Building Regulations. As such, no further objections are raised in this respect.

12. With regard to waste collection, the Applicant has proposed that refuse and recycling collection would take place within the site and plans have been submitted to indicate that a refuse vehicle can enter and exit the site in a forward gear by utilising the turning head within the site. The Council's Waste Officer has also confirmed that the development would allow for the safe ingress and egress of waste collection vehicles. Accordingly, any concerns regarding the siting of waste bins on the highway verge would also be overcome as the storage of refuse bins on the highway verge would now no longer be necessary. It is therefore considered that the proposal would provide an acceptable means for the storage and collection of refuse and there are no further objections in this respect.

### **Parking/highways implications**

13. No objections have previously been raised by the Council in relation to the visibility splays and the amount of parking spaces to be provided as part of the development. Both of these factors remain as previously proposed and so no objections are raised in this respect.

14. Concerns have been raised as part of both previous planning applications in regards to the proposed access to the site. This latest application has not proposed to alter the access from the previous submissions and it is noted that the width of the access cannot be widened given that it is flanked by the side boundaries of two existing residential dwellings. The Applicant has sought to justify the proposed access arrangements by providing examples of other sites in the District where sub-standard access arrangements have been approved. Whilst these examples are noted, the Local Planning Authority's response is that each application is assessed on its own merits and the circumstances of the application site differ from other sites in the District where a sub-standard access may have been permissible. These other examples therefore carry very little weight. In the case of the application site, the fact that for a large proportion of the driveway it would not be possible for two vehicles to pass, is clearly a material factor in an assessment of the suitability and safety of the proposed access.

15. Buckinghamshire County Highways Authority has been consulted as part of this application. Although the Highways Authority have commented on the previous applications and raised no objections to the latter two, the Highways Authority is a consultee and so it is up to the determining authority to make the final decision on the application. In this case, the Highways Authority has been consulted on this application and they have concluded that adequate visibility splays would be achievable and the width of the site access would also be sufficient to serve the proposed development. The full Highways comments are included above, in the 'Consultations' section of this report. The main points are that the submitted site plan shows an initial access width of 4.8m from the publicly maintained highway, which the Highway Engineer confirms is acceptable and would allow for a vehicle to pull clear of the carriageway whilst another car exits the site. After this point, the access would measure 4.3m for 19m, before narrowing further to 4.1m for 39m. A 4.3m wide access is resumed for 8m, before widening back out to 4.8m for the remainder of the site. The Highway Engineer is also satisfied with this arrangement, given the relatively small scale of the development, and that the dwellings would only generate 16-24 vehicle movements, two way, per day. It should also be noted that the NPPF states that development should only be refused planning permission on highways grounds if the impact on the highway is severe. It could not be claimed that the impact is severe. As such, based on the comments of the Highways Officer, no objections are raised in regards to the highways elements of this proposal.

### **Ecology**

16. The Ecology Advisor has reviewed the submitted ecological assessments provided in support of this application and has confirmed that, subject to conditions, a net gain in biodiversity can be achieved as a result of the development.

### **Affordable housing**

17. For proposals under 5 dwellings, Policy CS8 of the Core Strategy requires a financial contribution towards off-site affordable housing to be made. However, there are now specific circumstances set out in the NPPG (National Planning Practice Guidance) where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale development, including developments of 10 units or less, which have a gross floor space of less than 1,000 square metres.

### **Working with the applicant**

18. 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**

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

### **RECOMMENDATION: Conditional Permission**

#### **Subject to the following conditions:-**

1 C108A General Time Limit

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

Reason: To protect, as far as is possible, the character of the locality and the amenities of neighbouring properties.

3 Before any construction work above ground level commences, details of the facing materials and roofing materials to be used for the external construction of the dwellings hereby permitted and any hard landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with these details.

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

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

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

5 No other part of the development shall begin until the new means of access has been sited and laid out in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access within Highway Limits" 2013.

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

6 The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and 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 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.

8 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.

9 Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no additional first floor windows shall be inserted at any time in the flank elevations of the dwellings hereby approved.

Reason: To protect the amenities of the neighbouring properties.

10 Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no additional rooflights

or dormer structure shall be inserted/erected in the north-west flank elevation of the dwelling approved on Plot 6, the north-west elevation of the dwelling approved on Plot 5, and the north-west and south-east flank elevations of the dwelling approved on Plot 1.

Reason: To protect the amenities of the neighbouring properties.

11 The development shall be undertaken in accordance with the recommendations provided within the Bat Roost Assessment Report produced by RSK (February 2019). 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.

12 Prior to the commencement of development, a detailed scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme will include details of native landscape planting, including species of known benefit to wildlife, 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 Prior to occupation, a "lighting design strategy for biodiversity" for buildings, features or areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: The prevention of disturbance to species within the site during operation in accordance with policy 24 of the Chiltern District Core Strategy.

14 Reporting of Unexpected Contamination: 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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1, 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 1.

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.

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## **INFORMATIVES**

1        **INFORMATIVE:** 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 shall 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 shall not be removed until the fledglings have left the nest.

## **PL/18/4466/FA**

Case Officer: Emma Showan  
Date Received: 27.11.2018 Decide by Date: 18.03.2019  
Parish: Chesham Ward: Asheridge Vale And Lowndes  
App Type: Full Application  
Proposal: **Creation of artificial grass pitch and store. Construction of fence, barrier and entrance gates to grass pitch perimeter, installation of floodlights and hard standing.**  
Location: **Chiltern Hills Academy  
Chartridge Lane  
Chesham  
Buckinghamshire  
HP5 2RG**  
Applicant: **Kevin Patrick**

### **SITE CONSTRAINTS**

Adjacent to C Road  
Area of Special Advertising Control  
Biodiversity Opportunity Areas  
Critical Drainage Area  
Within Green Belt other than GB4 GB5  
North South Line  
Adjoining Public Amenity Open Space

### **CALL IN**

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

### **SITE LOCATION**

This application relates to the Chiltern Hills Academy secondary school which is located in the open Green Belt outside of Chesham. The site comprises the school and its associated buildings and playing fields and is bordered to the south and west by the Chilterns Area of Outstanding Natural Beauty. The school is accessed off Chartridge Lane which is characterised by ribbon development along both sides, with residential properties being located both across the road from the school and to the north. The site is located on a hill, with the land decreasing in altitude from both north to south and east to west.

### **THE APPLICATION**

This application proposes the creation of an artificial grass pitch with associated features.

The proposed grass pitch would be 113.2 metres by 77.2 metres. It would be surrounded by a high level fenced enclosure with 4.5 metre high ball stop fencing and entrance gates. A second pitch perimeter barrier is proposed with entrance gates internally to segregate the playing area from the hardstanding area. The hardstanding area would adjoin the playing field and would be comprised of porous asphalt. Another area of hardstanding would connect the grass pitch for pedestrian and emergency access.

A new floodlight system is proposed comprising 16 luminaires mounted onto 8 new floodlight masts of a height of 15 metres.

A new maintenance equipment store would be located within the fenced enclosure and would be comparable to a shipping container in form. It would have a height of 2.6 metres.

### RELEVANT PLANNING HISTORY

CH/2006/1177/FA - Installation of six 8 metre high lighting poles each containing two floodlights. Refused permission due to detrimental impact on open Green Belt.

CH/2004/2035/RB - Two storey teaching block teaching block with covered link to existing science block, re-siting of two tennis courts and four floodlights, conditional permission.

CH/1998/0491/FA - Retention of use of part of college building for social purposes ancillary to Chesham Rugby Union Club during the hours 17:30-23:00 Monday-Friday (inclusive), 11:00-23:00 Saturdays and 10:00-22:30 Sundays, conditional permission.

CH/1997/1658/FA - Retention of four 6 metre high lighting poles each containing two lights, conditional permission.

### TOWN COUNCIL

The Committee supports the principle of the application but welcomes the District Council's commitment to thoroughly examine the possible effect of noise and floodlighting on residents.

### REPRESENTATIONS

Three letters of support received which can be summarised as follows:

- The proposed facilities would allow teams to train mid-week, allowing the team to retain coaches for longer and therefore provide more teams at each age group
- Other local facilities are often fully booked
- Community facility
- Proposal would allow the club to grow and increase participation
- The proposal would benefit those unable to travel to similar facilities elsewhere

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

- Concern regarding impact of floodlights on neighbouring amenities in Pednor
- Detrimental impact on Area of Outstanding Natural Beauty (AONB)
- Concern regarding impact of fencing
- Requirement to limit and enforce the times and days when floodlights may be used
- Existing lights are visible for miles
- Concerns if lighting fails to be as unobtrusive as claimed

### CONSULTATIONS

**Buckinghamshire County Highways Authority:** 'The application site is located on Chartridge Lane which is a C class 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.

The creation of the artificial grass pitch and store on the grounds of Chiltern Hill Academy will be open to the use of the Academy and local clubs in the evening and at weekends for match days.

As set out within the Design and Access Statement and Planning Statement as a worst case scenario there will be a production of 80 vehicles on site outside of the school day in the evening or weekend, the existing school car park can accommodate 94 vehicles. Therefore this would negate the risk of any vehicle being displaced.



It is noted due to the use outside of school hours and weekends and the use by external parties the site is likely to result in an intensification of use, this said this would not conflict with the existing school traffic as activities shall be outside of these hours. Therefore the Highway Authority does not consider the intensification as material in terms of the capacity or safety upon the existing highway network.

Therefore taking the above into consideration the Highway Authority has no objections or conditions to add.'

**Environmental Health Officer:** No objections, subject to conditions.

## **POLICIES**

National Planning Policy Framework, 2018.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS20, CS22 and CS28.

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, LSQ1, R6, LB2, CA2, AS2, AS3, TR11 and TR16.

## **EVALUATION**

### **Principle of development**

1. Within the Green Belt, most new development is considered to be inappropriate and there is a general presumption against such development. Inappropriate development is harmful to the Green Belt and should not be permitted except in very special circumstances.
2. However, the NPPF states that the provision of appropriate facilities for outdoor sports and recreation are not inappropriate as long as such facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Furthermore, Local Plan Policy GB2 states that new buildings to provide essential facilities for outdoor sport and outdoor recreation which preserve the openness and do not conflict with the purposes of including land in the Green Belt are not inappropriate development. In this instance, the proposal does relate to the provision of appropriate facilities for outdoor sports and recreation and so, the proposal could be acceptable in principle, provided there is no conflict with the openness of the Green Belt.

### **Local Plan Policy R6**

3. Proposals for floodlights are specifically referred to in Policy R6 of the Local Plan which states that, in the Green Belt, proposals for floodlights will be refused except where it can be demonstrated that they are essential to the use of the land for outdoor sport and where the following criteria are complied with: (a) The amenities of residents in the locality in which the floodlights are proposed would not be significantly impaired; (b) the character of the locality would not be significantly impaired; (c) other Local Plan policies are complied with. Further guidance indicates that although floodlighting may be desirable, it is not necessarily essential. It gives examples of information that will be of assistance to demonstrate the need for floodlights, for example, the level of competition to be attained, the number of people using the facility, the size of waiting lists, the anticipated increased level of use and the requirement of bodies controlling individual sports.
4. In this respect, a Design & Access Statement has been submitted stating that the proposed facilities would contribute to the improvement of sporting facilities for curriculum and community football use at the Academy. They will also be used for rugby training by the Academy and a local rugby club. The facilities would provide sporting benefits to pupils, local community groups and sports clubs in the local area and would help

to support The Football Association's development plans into grassroots football. Further technical information and specifications are provided in the Design & Access Statement as a rationale for the proposal.

### **Impact on Green Belt and AONB**

5. It is accepted that the provision of appropriate facilities for outdoor sports and recreation are not inappropriate as long as such facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. It is also accepted that, in accordance with the NPPF, the use of land within the Green Belt has a positive role to play in providing outdoor sport and recreation. This compares to the previous 2006 application which was refused prior to the introduction and adoption of the NPPF. This application was refused on the impact of the floodlights on the openness of the Green Belt and the reason for refusal stated that:

*'The floodlight poles by reason of their number, prominent location set away from the college buildings and relationship to the existing floodlights would result in a cluttered appearance and be visually obtrusive when viewed from the surrounding public vantage points including the nearby public footpaths. Given the site's location in open countryside within Green Belt and a locally important landscape, the proposal would result in inappropriate development within the open Green Belt and would also fail to conserve or enhance the natural beauty of the area. This effect would be further compounded when the floodlights are in use during periods of darkness and poor daylight thereby creating an illuminated area set away from the built up part of the application site and extending into the open countryside. The proposal conflicts with Policies GB2, GB28 LSQ3 and R6 of the Adopted Chiltern District Local Plan 1997 (Including Alterations Adopted May 2001 and July 2004).'*

Since the 2006 application, Development Plan Policy GB28 which relates to 'Other acceptable land uses and new ancillary buildings in the Green Belt' has not been saved and so this application will be assessed in regards to the impact of the proposed development and the provisions of the NPPF.

6. In this instance, although the sports pitch, floodlights, fencing and storage facility would represent new buildings (by definition) within the Green Belt, they would be associated with the usage of the school and its wider sports facilities. In this respect, the development would clearly be linked to the provision of outdoor sport and so is not necessarily inappropriate development, in accordance with the provisions of the NPPF and Development Plan Policy GB2.

7. It is considered that the sports pitch in-of-itself would not have a detrimental impact on the openness of the Green Belt. In terms of the floodlights, these would be tall, with a full height of 15 metres. This is a significant increase on the height of the portable of floodlights and it would therefore have a greater impact on the Green Belt. The Applicant has provided justification for the proposed height on the basis that the height of the floodlight masts was calculated using the method details in the CIBSE Guide LG4 'Sports Lighting'. This recommends angles projected from the centre of the pitch and the touchlines to produce a head frame location zone. When applied to the application site, the optimum mast height ranged from 15 metres to 18 metres, hence the decision to apply for 15 metre masts. The benefit of complying with the CIBSE Guide is that the optimum mounting height would allow for all luminaries to be mounted virtually parallel to the pitch surface and this will result in low vertical overspill and good uniformity on the playing surface. This will ensure that the lighting is directed fully downwards towards the pitch surface, it would avoid sky glow and would achieve the full cut off as recommended by The British Astronomical Association's Campaign for Dark Skies. In contrast, lower floodlights would result in a higher aiming angle for every luminaire, resulting in increased overspill and glare projected onto adjacent land. On the basis of this justification, it is considered that the height of the floodlights would be acceptable as they would be of an appropriate height to help facilitate the playing of sport and other recreational activities without having an overly adverse impact on the Green Belt.

8. Fencing is also proposed and this would be of a height of 4.5 metres. The rationale for this height is that the fencing would act as a ball stop to ensure balls are contained within the enclosure and it would also provide security. In order to mitigate against its impact in the open Green Belt and alongside the rural surroundings, the fencing is proposed to be comprised of a see-through mesh coloured dark green. The use of a mesh would reduce the visual impact of the proposal in the open Green Belt by permitting views throughout. Given that it is required in connection with the sporting use and that it would be comprised of materials to ensure that its impact on the openness of the Green Belt is reduced, the proposed fencing is considered to be acceptable in this respect.

9. It is proposed to station a 'shipping container' with a height of 2.6 metres to be used as a maintenance and equipment store. This would represent a new building in the open Green Belt, however, it would provide an appropriate facility to be used in connection with the outdoor sport to be undertaken on the associated pitch. The store is not considered to be unduly large for its intended purpose and it would be sited within the context of the other sporting facilities so as not to appear randomly sited. This would reduce the impact of the store in the open Green Belt and would ensure that it is viewed in the context of the other development on site. However, it is not considered appropriate to grant a permanent planning permission for a storage container, as they can deteriorate in appearance over time. The Council would normally impose a temporary restriction on such buildings and in this case, a five year period is considered appropriate.

10. The application site is not located within the Chilterns AONB but does border this area of special designation. The siting of the proposed development is such that it is not considered to intrude to a detrimental degree into the AONB and although elements of the proposal, namely the floodlights, may be visible from areas of the AONB, they would be located at a sufficient distance and within the context of the existing school so they are not considered to have a detrimental impact on the character of the adjacent AONB.

#### **Residential amenity**

11. The proposed development would be sited away from neighbouring properties so it is not considered to be overbearing in terms of the impact of the height of the fencing and floodlight masts.

12. In regards to the impact of the proposal in terms of noise and light pollution, the Council's Environmental Health Department have been consulted. The Environmental Health Officer has not raised any objections to the proposal, taking into account the impact of the proposal on the nearest residential dwellings along Chartridge Lane and at Pednor. This is based on additional information submitted by the Applicant regarding excess light affecting Pednor. Nonetheless, the Environmental Health Officer has suggested the inclusion of conditions limiting the hours of use and requiring appropriate sound insulation and mitigation measures be taken in order to limit the impact of the proposal on neighbouring amenities.

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

13. The proposed artificial pitch and its associated development would primarily be used by the Chiltern Hills Academy although it would be open to local clubs in the evenings and at weekends for match days. The Applicant's Design and Access Statement anticipates a maximum of 80 vehicles on site when the proposed facilities would be used outside of the school day, with the existing school car park being able to accommodate 94 vehicles. It is therefore considered that an adequate level of parking would be maintained at the site to accommodate the proposed development. In addition, it is noted that the site is located close to the town centre of Chesham and can be reached by a number of public transport routes which reinforces the fact that the site is within a sustainable location.

14. Buckinghamshire County Highways Authority have been consulted on this planning application and have stated that the proposal would not conflict with the existing school traffic as any external club activities

undertaken at the pitch would be outside of school hours. Therefore, the Highways Authority have stated that they do not consider the proposal to have a detrimental impact on the capacity or safety of the local highway network and so no objections are raised in this respect.

### **Conclusion**

15. It has already been established that the proposal is considered to be acceptable in the open Green Belt and that it would not have a detrimental impact on either neighbouring amenities or the local highway network. Further support for this application is provided under the provisions of Chapter 8 of the NPPF which seeks to promote healthy and safe communities. Paragraph 91 states that: 'planning policies and decisions should aim to achieve healthy, inclusive and safe places which...enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities etc.' Furthermore, Paragraph 96 states that: 'access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities and opportunities for new provision'. On this basis and having regard to the assessment above, this application is recommended for conditional approval (with a temporary five year time limit applied to the storage container).

### **Working with the applicant**

16. 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**

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

### **RECOMMENDATION: Conditional Permission**

#### **Subject to the following conditions:-**

1 The artificial grass pitch, fencing, barrier and entrance gates to grass pitch perimeter, installation of floodlights and hard standing, to which this permission relates, must be begun before 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 91 (1) of the Town & Country Planning Act 1990, as amended.

2 In relation to the new storage container building only, this permission is granted for a limited period which will expire on 31st March 2024 and at the expiration of this period the storage container building hereby permitted shall be removed from the site immediately unless a further permission has previously been granted by the Local Planning Authority.

Reason: While being satisfied that the appearance of this temporary building will be acceptable for the period hereby granted, the Authority wishes to take account of its appearance at the expiry of this period before agreeing to its retention for a further period.

3 The use of the artificial grass pitch hereby permitted shall be restricted to between the hours of 8.00am and 10.00pm Monday to Friday, 9.00am and 8.00pm Saturday, and 9.00am and 8.00pm Sunday and Bank Holidays.

Reason: To safeguard the amenities of nearby residential occupiers.

4 All fences surrounding the artificial grass pitch shall be insulated in accordance with the recommendation set out in Section 9.3 of the Acoustic Consultants Limited report dated January 2019 (ref: 7607/DO).

Reason: To safeguard the amenities of nearby residential occupiers.

5 The layout of the artificial grass pitch shall incorporate the impact mitigation measures set out on page 19 of the Design and Access Statement (DAS) and Planning Statement of 23rd November 2019 (ref: LSUK 18-0176) submitted to the LPA by Labosport Ltd. These impact mitigation measures shall be maintained in perpetuity.

Reason: To safeguard the amenities of nearby residential occupiers.

6 The development hereby permitted shall not come in to use until a written Management Plan has been submitted and approved by the Local Planning Authority. The contents of the Plan shall have regard to the practical control of noise and artificial light associated with the use of the artificial grass pitch. Thereafter, all agreed measures shall be maintained in perpetuity.

Reason: To ensure that the users of the all-weather pitch are aware of the need to use the facility in a manner that minimises the impact on the amenity of local residents.

7 The artificial lights hereby permitted shall not be illuminated except between the hours of 8.00am and 10.00pm Monday to Friday, 9.00am and 8.00pm Saturday, and 9.00am and 8.00pm Sunday and Bank Holidays.

Reason: To safeguard the amenities of nearby residential occupiers.

8 The artificial lights hereby permitted shall be controlled by photoelectric switches to automatically limit their operation having regard to paragraphs 9 and 10 on page 19 of the Design and Access Statement (DAS) and Planning Statement of 23rd November 2019 (ref: LSUK 18-0176) submitted to the LPA by Labosport Ltd. These controls shall be maintained in perpetuity.

Reason: To safeguard the amenities of nearby residential occupiers.

9 Before the installation of the store, details of the timber cladding materials to be used in its external construction shall be submitted to and approved in writing by the Local Planning Authority and the store shall be clad in accordance with these details.

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

10 AP01 Approved Plans

## **PL/18/4598/FA**

Case Officer: Emma Showan  
Date Received: **04.12.2018** Decide by Date: **18.03.2019**  
Parish: **Great Missenden** Ward: **Ballinger South Heath And Chartridge**

App Type: Full Application  
Proposal: **Demolition of existing buildings and erection of 10 dwellings with garages, landscaping, car parking and vehicular access.**  
Location: **Former Mushroom Farm  
Meadow Lane  
South Heath  
Buckinghamshire  
HP16 9SH**  
Applicant: **H. G. Bird (South Heath) Limited**

### **SITE CONSTRAINTS**

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

### **CALL IN**

Councillor Jones has requested that the application be referred to the Planning Committee if the Officers' recommendation is for refusal.

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

### **SITE LOCATION**

The application site is located within the Green Belt Settlement of South Heath. It comprises a former mushroom farm. The site is bounded by residential dwellings to the north and to the east, dwellings and a garden centre to the west and open agricultural land to the south. It is accessed from Meadow Lane, a private road which serves the existing site, the houses on the Lane and the garden centre. The site also lies within the Chilterns Area of Outstanding Natural Beauty.

### **THE APPLICATION**

This application proposes the demolition of the existing buildings and erection of 10 dwellings with garages, landscaping, car parking and vehicular access.

The dwellings on Plots 1, 3 and 8 would be 1.5 storeys high and would have a maximum width of 11.8 metres, depth of 16.2 metres and height of 7.9 metres. They would each have four bedrooms and a double garage to the front.

The dwellings on Plots 2 and would be 1.5 storeys high and would have a maximum width of 12.2 metres, depth of 16.8 metres and height of 7.9 metres. They would have four bedrooms and a double garage to the front.

The dwellings on Plots 5, 6 and 7 would comprise three flats housed in a 1.5 storey building. The building would have a maximum width of 11.6 metres, depth of 20.4 metres and height of 7.9 metres. Each flat would have two bedrooms.

The dwelling on Plot 9 would be 1.5 storeys high and would have a maximum width of 16.2 metres, depth of 14.2 metres and height of 7.9 metres. It would have four bedrooms and a double garage to the front.

The dwelling on Plot 10 would be 1.5 storeys high and would have a maximum width of 17.5 metres, depth of 13.5 metres and height of 7.9 metres. It would have four bedrooms and a double garage to the front.

The dwellings would all be served by accesses onto Meadow Lane.

The application also proposes to provide 3 visitors parking spaces and 15 parking spaces for use by the adjacent garden centre.

#### **RELEVANT PLANNING HISTORY**

CH/2017/1422/OA - Outline planning application for demolition of redundant mushroom farm and erection of 10 dwellings and formation of car parking on Meadow Lane (all matters reserved), conditional approval.

CH/2006/1449/OA - Erection of two detached chalet bungalow (opposite the application site), conditional permission.

CH/2008/1115/DE - Erection of two detached dwellings (opposite the application site) (submission of details pursuant to outline permission CH/2006/1449/OA), conditional permission.

CH/2008/1187/OA - Erection of two detached chalet bungalows (adjoining the application site), conditional permission.

#### **PARISH COUNCIL**

The committee and Parish Council supported the outline application in respect of this proposed development and in principle support the full application. It understands that the case has been called in for a decision by committee. The Parish Council has reservations and concerns as to the layout of the site as well as to access and highways safety. Whilst pleased to see that additional parking is to be provided between the trees opposite the garden centre the concerns are:-

- a) The impact on the sustainability of the garden centre business. To support the business continuing there is a need to ensure safe and adequate access both for customers and large commercial vehicles including articulated lorries, by reducing the verges from Meadow Lane.
- b) The entrance to the dwellings 4-10 is directly opposite the entrance to the garden centre and raises concerns as to safety. The Parish Council believes that a safer option would be either for the access to be split into 2 access roads or be relocated to follow the line of the existing main drainage.

c) The Parish Council believes that the vision splay onto Ballinger Road is inadequate for the anticipated additional traffic movements of between 40 and 60 per day in addition to the existing customer and delivery traffic movements to and from the Garden Centre. There is no footway on the Ballinger Road making it hazardous for pedestrians. In addition data collected from MVAS (moveable active vehicle signs) indicates that 25% of traffic travelling along Ballinger Road exceeds 35 mph, the speed limit being 30mph.

d) The Parish Council notes that the road surface of Meadow Lane is to remain compacted stone. This is considered to be an unsuitable surface at present let alone with an anticipated additional 40-60 traffic movements each day

The Parish Council would urge the planning authority to take steps to ensure that the vision splay is improved and to encourage the developers to provide a footpath from Meadow Lane to Marriots Avenue.

## REPRESENTATIONS

Three letters of support which can be summarised as follows:

- The plans met all the required criteria
- The design, layout and appearance of the development is in keeping with what has already taken place
- The development will enhance the village
- No greater impact on traffic or safety
- No lack of privacy
- No impact on trees, a conservation area or Listed building

Six letters of objection which can be summarised as follows:

- The entrance to the site is opposite the garden centre so customers will not be able to park directly outside
- Concern regarding manoeuvrability of lorries accessing the garden centre
- Concern regarding impact of the proposal on the viability of the garden centre
- Concern regarding increased congestion
- Concern regarding lack of communication
- Detrimental impact on the garden centre during works
- Lack of parking at the garden centre
- Concern on impact on the garden centre which is a community asset
- Road access needs to be wider
- Concern regarding increase in traffic
- Concerns with traffic survey
- Needs to be a means of slowing traffic and providing a pavement
- Loss of other community facilities
- Older and infirm customers of the garden centre will need to walk further than at present
- Objection to the proposed granite sets and turf

Ten neutral letters stating support for the houses on site but raising concern about:

- Impact of the proposal on the garden centre
- Parking for the garden centre
- Safety and access of residents living locally
- Day to day and long term management plans for the highway which will remain un-adopted
- Concern regarding impact on Ballinger Road



## **CONSULTATIONS**

### **Affinity Water:**

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.

### **District Affordable Housing Officer:**

The Planning Statement refers back to the outline planning permission CH/2017/1422/OA and the Section 106 Agreement that has been put in place in respect on that permission. The Section 106 Agreement requires the provision of 3 affordable units on site comprising one unit of intermediate housing and two units of affordable rented housing. On the understanding that this remains the case, I have no specific comments on the affordable housing aspects of the current detailed planning application.

### **Buckinghamshire County Highways Officer:**

The Highway Engineer raises concerns with the proposal, but this must be considered in light of the previous outline permission, which has already accepted the principle of ten dwellings on the site, and thus the principle of the use of the access and the vehicular movements proposed.

The Highway Authority recommended refusal of the previous outline application, due to the sustainability of the site and the intensification in use of the existing access, which has substandard width and visibility splays. Obviously the outline application was granted permission, and the report below sets out in more detail why it was approved. Since then, the applicant has submitted a Transport Statement (TS).

The TS sets out the potential trip generation for both the existing and proposed uses on site, with which the County Highway Engineer raises some concerns, as they doubt the stated vehicular movements for the existing mushroom farm, if its use was to be resumed.

The Highway Engineer comments that the initial section of Meadow Lane does not allow two vehicles to pass simultaneously and that a width of 4.8m, as a shared surface, would be necessary to accommodate simultaneous two-way vehicular flows, and the safe passing of pedestrians and cyclists alongside vehicles.

The Highway Engineer also comments that the site is remote from footpaths and public transport links, and is not considered sustainable in transport terms, being reliant on the use of the private motor vehicle. This was addressed under the previous planning permission.

### **District Building Control Officer:**

No adverse comments.

### **District Tree Officer:**

Overall most of the trees and hedging on the site would be removed but the more important avenue trees are shown retained and there should be little damage to these trees provided appropriate precautions are taken during construction. However there is considerable scope for compensatory new landscape planting. Consequently I have no objections to the application provided there is adequate protection for the retained trees and appropriate new landscape planting.

### **Council's Ecology Advisor:**

I have reviewed the Bat Survey Report produced by All Ecology (November 2018) and am satisfied that the impact of the proposed development on protected species has been given due regard.

Surveys have confirmed the presence of a low conservation value occasional night/feeding roost for Common Pipistrelle and Brown Long-eared bats within building B3. Accordingly, it is considered that a European Protected Species Mitigation licence will not be required to enable the development to proceed. The works shall be undertaken in accordance with the recommendations of the bat survey report. The surveys shall be considered valid for a period of no more than 2 years.

Details of ecological enhancements are required to ensure a net gain in biodiversity is achieved, along with a lighting scheme to protect light-sensitive wildlife during the occupation phase of the development.

**District Environmental Health Officer:**

The proposed development involves the demolition of existing buildings and erection of 10 dwellings with garages, landscaping, car parking and vehicular access.

The Council's historical maps show that the site was part of a field during the 1874-1891 epoch, no changes are shown until the 1960-1976 epoch, when a Mushroom Farm is shown, the layout shown differs from the layout shown on the Council's raster map.

The proposed development site has had an agricultural use. There are associated risks from landfilling, storage and use of fuels, fertilisers, pesticides and herbicides, asbestos containing materials in buildings and other activities as outlined in the Department of Environment Industry Profiles.

Based on this, the standard Land Quality Condition is required on this and any subsequent applications for the site.

**County Sustainable Drainage Officer:**

No objection, subject to conditions.

**Thames Water:**

No objection, subject to conditions.

**POLICIES**

National Planning Policy Framework, 2018.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS8, CS20, CS22, CS23, CS24, CS25 and 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, GC10, 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 SPD - Adopted 21 February 2012.

Chilterns Buildings Design Guide, February 2010.

## **EVALUATION**

### **Principle of development**

1. 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. Very special circumstances must be demonstrated where development is inappropriate, and they must be sufficient to outweigh any harm identified, but very special circumstances are not relevant if it is deemed that a development is not inappropriate in the Green Belt.
2. The whole of the former mushroom farm is within the Green Belt settlement with the adjoining land to the south being within the open Green Belt.
3. 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**

4. This application follows on from planning application CH/2017/1422/OA which sought outline planning permission for the erection of 10 dwellings on this site. As part of this assessment, it was concluded that the proposed residential development would represent one of the exceptions identified within Paragraph 89 of the NPPF to development within the Green Belt, namely limited infilling in a village. It was therefore considered that the development would not represent inappropriate development in the Green Belt. Outline permission was granted by the Planning Committee on 26th April 2018.
5. This latest application proposes the same site area as the previous application and the description remains the same, although this latest application is to be determined in full as opposed to in outline. Therefore, given that the principle of residential development on this site has already been approved under planning application CH/2017/1422/OA, no new objections can be raised to the principle of this number of houses on the site. The site continues to represent limited infilling in a village in the Green Belt, thus complying with one of the exceptions to development in the Green Belt, as set out in the NPPF, and therefore it is not inappropriate development. As the development is not inappropriate, it is not necessary to show that very special circumstances exist.

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

6. The proposed development would take place on the site of a former mushroom farm following the demolition of the existing buildings on site and the removal of hardstanding. It is proposed to erect four detached dwellings with a frontage onto Meadow Lane, in line with the existing residential dwellings along Meadow Lane. A further three detached dwellings would be erected further into the site with a side elevation onto Meadow Lane and a block of three two bedroom apartments would also be sited within this row of dwellings. The buildings would all be 1.5 storeys high, incorporating their second floor accommodation within dormers and the roofspace so that the buildings appear as chalet bungalows. Aside from the apartments, the dwellings too would each have double garages to the front. In terms of the vernacular style, the properties would reflect the style and form of the two detached chalet bungalows erected to the north-west of the site under planning application CH/2010/1471/FA. The proposed dwellings would have similar features to these existing properties, incorporating the same roof shapes and roof heights. They would have plot widths of a comparable width to the two existing dwellings and as with these two dwellings, they would incorporate double garages to the front.

7. Overall, it is considered that the proposed dwellings would retain adequate spacing at their boundaries and would be laid out appropriately within the site so as not to appear overly cramped or at odds with the local character. The dwellings too would reflect the vernacular style of the existing dwellings at Mulberry House and Wisteria House also along Meadow Lane so that the proposed development appears as a natural continuation of this development. The building line of Meadow Lane would be respected and the proposed dwellings too would be of an appropriate size so as to sympathetically integrate with the neighbouring dwellings. Conditions requiring the submission of details relating to the proposed materials and the proposed landscaping arrangements would further seek to ensure that the development would integrate sympathetically with the local landscape.

#### **Residential amenity**

8. The proposed buildings would be spaced evenly across the development, off their respective boundaries and in line with the existing build line at the start of Meadow Lane. The dwelling on Plot 1 would extend in depth beyond the rear elevation of Wisteria House by 7.5 metres at the longest point, but the projection on Plot 1 would only be 1.5 storeys high and it would be pitched away from the neighbour. Adequate spacing would also be retained so that Dwelling 1 would not appear overly overbearing to its adjacent neighbour. Plot 10, meanwhile, would be sited adjacent to Laurels. However these two dwellings would also sit broadly in line, with the projection at Dwelling 10 extending beyond the rear elevation of Laurels by an acceptable amount.

9. In terms of the window arrangements, it is proposed that the only first floor flank windows would serve bathrooms/ensuites. As such, these windows can be subject to a condition requiring that they are opaquely glazed to ensure that there is not a detrimental level of intrusion in between properties. A condition ensuring appropriate boundary screening would also ensure that privacy is maintained for future occupiers of the development.

10. In respect of the proposed garden depths, Local Plan Policy H12 states that each new house or bungalow should have a private garden area adequate for and appropriate to the size, design and amount of living accommodation proposed. The general standard expected will be a minimum rear garden depth of about 15 metres. The detached properties on site would each have an approximate rear garden depth of 23 metres at the shortest point and approximately 28 metres at the furthest point (the properties being 'L-shaped' to the rear). This is comparable to the garden lengths at existing properties within the locality and so is considered to be acceptable. In regards to Plots 5-7, this building would accommodate three two-bedroom flats. A shared amenity is proposed for these units with a depth of 22 metres and this too is considered acceptable given the amount of living accommodation proposed.

11. Meadow Lane benefits from an existing waste collection route with existing properties currently presenting their refuse at the edge of their properties. There is ample space within the development for waste and recycling storage and the proposed properties will be able to join their existing neighbours in presenting their refuse at their boundaries on waste collection days.

#### **Parking/highways implications**

12. Access was a matter for consideration under approved planning application CH/2017/1422/OA. As part of this application the Officers' report to the Planning Committee stated:

*'With regard to the access from Ballinger Road to Meadow Lane, when the site was in use as a mushroom farm the associated vehicles used the road for access and egress. Today the customers of the garden centre and residential properties on Meadow Lane access Ballinger Road from Meadow Lane. In theory, the site could begin use again as an agricultural use of some sort and that this would generate vehicular movements in addition to the "live" uses on Meadow Lane. The status of the road access will not change and it is not considered that on*

*the basis of additional residential uses using the existing road and its existing access onto Ballinger Road that it would be appropriate to be seeking a better access. Any issues of access out onto Ballinger Road do not seem to justify an urban solution and it is preferable for the access to Meadow Lane to remain as much as possible as is currently configured. The aim of Manual for Streets is to provide a balance between good design and highway safety. It is considered that in this case the safe operation of the highway within South Heath has not presented major safety concerns with the existing uses. The maximum speed on Ballinger Road at this point is 30mph. The land use proposed is not a new one for Meadow Lane. It is therefore considered that the new residents would be likely to take the same level of care as the existing residents in access and egressing Meadow Lane. In this instance therefore the rural character of South Heath is considered to outweigh the safety concern. Meadow Lane can accommodate passing points in the restricted part where the street trees are located and there is scope for refuse vehicles to be able to turn within Meadow Lane and the proposed development such that vehicles would always be leaving Meadow Lane in forward gear.*

*Waste and recycling vehicles currently collect bins from within Meadow Lane. As the access to Meadow Lane would be unaltered, bin collections would be possible from the boundary of the proposed properties.*

*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 sustainable location in transport terms but committed cyclists would be able to cycle to Great Missenden to use the rail service."*

13. Officers maintain this position in respect of the current application, given that the access arrangements remain unchanged from the previous outline planning permission, which has already accepted the principle of ten dwellings using this access. There have been no material changes to the site circumstances in between the approval of this earlier application and the submission of this latest application. The proposed access arrangements therefore remain acceptable.

14. In regards to the proposed parking arrangements, Local Plan Policy TR16 sets out the Council's parking standards. The standard where the gross floor area of the dwelling is less than 120 square metres, is two spaces per dwelling. Where the gross floor area exceeds 120 square metres, the standard is three spaces. Importantly, the standards are not minimum standards and to interpret them as such would be an incorrect approach. They are general standards to form a starting point for assessment. Having said that, the location is not a particularly sustainable one and it is considered that the parking standards should be met in this case. In this respect, Plots 1, 2, 3, 4, 8, 9 and 10 (the detached, four-bedroom properties) would each allow for two car parking spaces in their respective garages and further space would be provided on the associated hardstanding for an additional vehicle. These properties would comfortably provide three spaces. In relation to Plots 5, 6 and 7 (the two-bedroom apartments), two spaces per apartment are to be provided on an area of forecourt parking and this too is considered to be acceptable. A further three visitor parking spaces are to be provided adjacent to the site. The parking standards are therefore comfortably met and no objections are raised in regards to the proposed parking provision on site.

#### **Trees**

15. Meadow Lane is characterised by a row of eight lime trees which are subject to Tree Preservation Order No. 9 of 2004. As there would be little change to the size or surface of Meadow Lane, the District Tree Officer considers that the application will have little impact on this avenue of trees. Overall, no objection is raised by the Tree Officer provided that there is adequate protection for the protected trees during construction and the submission of a new landscape planting scheme is also recommended as a condition should planning permission be granted.

### **Drainage**

16. No objections have been raised by the County SUDS Officer, subject to a condition requiring the submission of a surface water drainage scheme for the site.

### **Ecology**

17. No objections have been raised by the Council's Ecology Advisor, subject to conditions requiring the submission of details of ecological enhancements to ensure a net gain in biodiversity is achieved, along with the submission of a lighting scheme to protect light-sensitive wildlife during the occupation phase of the development.

### **Affordable housing**

18. Policy CS8 of the Core Strategy sets out that, on sites of 10 dwellings, at least three affordable housing units should be provided on site. As the site is within the Chilterns Area of Outstanding Natural Beauty the National Planning Practice Guidance supports a threshold for the provision of affordable housing to be 5 units and above. The Applicant proposes three affordable houses as part of the proposed development. The application is supported by a statement from the Applicant that, if Committee was minded to grant planning permission, the Applicant would be willing to enter into a Section 106 agreement to provide affordable housing on site based on a split of 2 affordable rented units and 1 shared ownership unit (see Affordable Housing Statement from Fowler Architecture and Planning submitted in December 2018).

### **Other matters - garden centre**

19. It is noted that a considerable amount of the representations received have raised concern in regards to the impact of the proposed development on the adjacent garden centre. It is not possible through this planning application to guarantee the long-term success of the garden centre, as this is dependent on market forces and demand (which are not planning matters). But it is possible to seek to ensure that this planning decision is not detrimental to the future of the garden centre. In this regard, the Applicant has proposed to provide 15 parking spaces to serve the garden centre in place of the existing arrangement which sees vehicles being parked informally along Meadow Lane. Other concerns regarding the distance of the parking spaces to the garden centre are noted, however the maximum distance from the furthest space to the garden centre entrance is 30 metres which is perfectly acceptable and much closer. Issues regarding the manoeuvrability of lorries accessing the garden centre too are noted, however at present only 12 metres separates the garden centre frontage from the mushroom farm hoardings and it is proposed that this be increased in width to 16 metres. It is noted that this increase in width would also accommodate the additional parking spaces, however at present there are no limitations on parking outside the garden centre, indeed this is the only means of parking for the garden centre, and so often the access is reduced to below the 12 metres. Given that vehicles and lorries are able to access the garden centre at present, it is not considered that the proposed development would have a detrimental impact on impeding this access, particular given that it is proposed to have a wider access road/parking area for the garden centre which can be utilised by lorries and garden centre vehicles. Furthermore, given that adequate parking is provided within the development, it is unlikely that there will be a daily need for overspill parking from the development into the parking spaces proposed for the garden centre and this will further assist in maintaining access to the garden centre.

### **Working with the applicant**

20. 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

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

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

**Subject to the following conditions:-**

1 C108A General Time Limit

2 Before any construction work above ground level commences, details of the facing materials and roofing materials to be used for the external construction of the dwellings hereby permitted and any hard landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with these details.

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

3 The dwellings hereby permitted shall be erected in accordance with plan reference No. 161031-04, unless alternative details have been agreed in writing by the Local Planning Authority.

Reason: To protect, as far as is possible, the character of the locality and the amenities of neighbouring properties.

4 No development shall take place on the site until all of the existing buildings located on the site, as shown on Drawing No. MISS0403 REVB - Existing site plan, have been demolished, recyclable material stored and all waste and debris removed from the site.

Reason: In order to provide sufficient amenity space for the occupiers of the dwellings hereby permitted and having regard to the location of the site in the Green Belt and Chilterns AONB.

5 Prior to occupation of the development the proposed garages and hardstanding shall be laid out within the site to allow for the parking of cars, loading and manoeuvring, in accordance with the approved plans. These areas shall be permanently maintained for this purpose. The garages shall be reserved for the parking of vehicles and the garages shall not be converted to habitable accommodation at any time.

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 The development hereby permitted shall take place in accordance with the provisions and recommendations set out in the Construction Traffic Management Plan (undertaken by Condon Drew Associates) and submitted to the Local Planning Authority on 4th December 2018.

Reason: To minimise danger and inconvenience to highway users, 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).

7 Before any construction work above ground level commences, full details of the means of enclosure to be retained or erected as part of the development including those between the individual gardens of the approved dwellings and on the boundaries of the site and a timetable for its erection, shall be submitted to and approved in writing by the Local Planning Authority.

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

8 The development hereby permitted shall be erected in accordance with the Arboricultural Impact Assessment undertaken by SJ Stephens Associates (November 2018) and the recommendations set out in this report in regards to the protection of retained trees and hedges, unless alternative details have been agreed in writing by the Local Planning Authority.

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

9 No tree or hedge that is identified as being in Category A or B in the Tree Survey included in the Arboricultural Impact Assessment Project 1166 dated 20th November 2018 by SJ Stephens Associates and is shown to be retained on the Tree Protection Plan shall be removed, uprooted, destroyed or pruned for a period of five years from the date of implementation of the development hereby approved without the prior approval in writing of the Local Planning Authority. If any retained tree or hedge is removed, uprooted or destroyed, or dies during that period, another tree or hedge shall be planted of such size and species as shall be agreed in writing by the Local Planning Authority. Furthermore, the existing soil levels within the root protection areas of the retained trees and hedges shall not be altered.

Reason: To ensure the retention of the existing established trees and hedgerows within the site that are in sound condition and of good amenity and wildlife value, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

10 The development shall be undertaken in accordance with the recommendations provided within the Bat Survey Report produced by All Ecology (November 2018). The report provides details of required best practice safeguards for the avoidance of harm to bats. Should any protected species be encountered during the works, further mitigation measures will be required and agreed with the Local Planning Authority ecologist.

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.

11 The development hereby permitted shall be implemented in accordance with the recommendations set out in the report undertaken by All Ecology (November 2018), unless alternative details have been agreed in writing by the Local Planning Authority.

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 occupation, a "lighting design strategy for biodiversity" for buildings, features or areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the



provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed within the site without prior consent from the Local Planning Authority.

Reason: The prevention of disturbance to species within the site during operation in accordance with policy 24 of the Chiltern District Core Strategy.

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

- Full construction details of all SuDS and drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
- Flow direction

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

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

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

15 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

16 Prior to the commencement, excluding works of demolition, 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.

17 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.

18 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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1, 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 1.

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.

19 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 other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in any of the elevations of the dwellings hereby approved.

Reason: To safeguard the amenities of the adjoining properties and the approved dwellings, and to maintain the character of the area.

20 Prior to the occupation of each dwelling hereby permitted, any approved windows at first floor or roof level in the flank elevations of that dwelling shall be wholly fitted with obscured glazing. In addition, any parts of these windows that are located less than 1.7 metres above the floor of the room which that window serves shall be non-opening. No alterations shall take place to the windows in those respects thereafter.

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

21 AP01 Approved Plans

## INFORMATIVES

1 INFORMATIVE: With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. [https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fdevelopers.thameswater.co.uk%2fDeveloping-a-large-site%2fApply-and-pay-for-services%2fWastewaterservices&c=E,1,\\_ez0of0\\_h7pAvscxdrMfltEkfvHbCNS3Hycs9-hUJv2oUk0Y-aw\\_v\\_KSj0sMrMiQpokdwr-\\_e1f0sYCCSLUnislelzOmFxFmgbLjPKu85XcNld7fiA,,&typo=0](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fdevelopers.thameswater.co.uk%2fDeveloping-a-large-site%2fApply-and-pay-for-services%2fWastewaterservices&c=E,1,_ez0of0_h7pAvscxdrMfltEkfvHbCNS3Hycs9-hUJv2oUk0Y-aw_v_KSj0sMrMiQpokdwr-_e1f0sYCCSLUnislelzOmFxFmgbLjPKu85XcNld7fiA,,&typo=0)

2 INFORMATIVE: Removal of vegetation and buildings shall be undertaken outside of the bird nesting season (March to August inclusive). If this is not possible, then a suitability qualified ecologist shall check the areas concerned immediately prior to the commencement of clearance works to ensure no nesting or nest-building birds are present. If any nesting activity is confirmed, no clearance will be permitted within the area until the birds have fledged and the nest is considered inactive.

## **PL/18/4685/FA**

Case Officer: Adam Pegley  
Date Received: 12.12.2018  
Parish: Little Chalfont  
App Type: Full Application  
Proposal: Erection of outbuilding, incorporating habitable loft space (part retrospective).  
Location: Rowan Cottage  
164 White Lion Road  
Little Chalfont  
Buckinghamshire  
HP7 9NL  
Applicant: Mr M Popli

Decide by Date: 06.02.2019  
Ward: Little Chalfont

### **SITE CONSTRAINTS**

Article 4 Direction  
Adjacent to A and B Road  
Adjacent to Unclassified Road  
Bovingdon Technical Radar Zone  
North South Line  
A and B Roads  
Townscape Character

### **CALL IN**

Cllr Phillips has requested this application be called to Planning Committee should the officer's recommendation be for approval.

### **SITE LOCATION**

The site is located on White Lion Road (A404), Little Chalfont. This part of the road is predominantly occupied by residential properties to the North, and the application site is adjacent to Cumberland Close.

### **THE APPLICATION**

The application is for retrospective planning permission for the construction of an outbuilding in the rear garden.

The outbuilding measures 6.3m in width, 8m in depth and 5.9m in height with a height to the eaves of 3.1m.

During the application process, the applicant has submitted amended plans proposing to reduce the size of the outbuilding by creating a crown roof, reducing its maximum height by 0.4m, resulting in a final maximum height of 5.5m.

This would be 0.2m taller than the outbuilding which benefits from planning permission under application CH/2017/2324/FA, at a permitted height of 5.3m.

### **RELEVANT PLANNING HISTORY**

CH/2017/2324/FA - Erection of outbuilding, incorporating habitable loft space (part retrospective).  
Conditional Permission.

## PARISH COUNCIL

None received at time of drafting report.

## REPRESENTATIONS

1 letter of objection received stating the following (summarised):

- The height of the proposed outbuilding is causing adverse impact on neighbouring properties

## CONSULTATIONS

None relevant.

## POLICIES

National Planning Policy Framework

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, H13, H14, H15, TR11, TR15 and TR16.

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

## EVALUATION

### Principle of development

1. The application site is located within the built up area of Little Chalfont wherein extensions and the construction of residential outbuildings incidental to dwellings are acceptable in principle, subject to compliance with the relevant Policies of the Development Plan.

### Design/character & appearance

2. The outbuilding is sited at the same location as previously approved through planning permission CH/2017/2324/FA. Given an outbuilding in this exact position was previously considered acceptable and already benefits from planning approval; no objection is therefore raised to the unchanged siting of the outbuilding.

3. The height of the outbuilding on site is approximately 0.6m taller than the approved plans of planning permission CH/2017/2324/FA. The applicant has submitted amended plans proposing to reduce the height of the existing, unauthorised outbuilding on site by incorporating a crown roof element. The resultant outbuilding would then be 5.5m (0.2m taller than the previous approval). Subject to these changes, the dwellings located further along Cumberland Close would more readily be visible from the entrance of the Close. The reduction in height would also contribute significantly to the integration of the outbuilding within the street scene and is considered to overcome the objections with the existing building in situ on the site.

### Residential amenity

4. The comments of the neighbouring property are noted; wherein representation is made that the increased height has an adverse impact on the amenities of neighbouring properties. In this regard, it has been noted the outbuilding now has an increased ridge height. However, this ridge set is set in a significant distance from the boundary of the site. The outbuilding has a pitched roof which slopes down as it approaches the nearest neighbouring property to a resultant height of 3.1m to the eaves. Having regard to the previous approval, which allowed an outbuilding with a 3m eaves height, it is not considered that an increase of approximately 0.1m at this boundary would cause significant additional impact on the amenities of neighbouring property,

beyond what has already been approved. As the roof gradient of the outbuilding slopes away from the neighbouring property before reaching its maximum height, it is considered this relationship mitigates the impact of the outbuilding on neighbouring properties. No windows are proposed in this elevation which could give rise to overlooking or perception of overlooking. As such, no objections are raised in this regard.

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

5. The development has no additional parking or highway implications, having regard to the Council's standards. There is ample parking on the front driveway of No. 164 such it is not considered necessary to condition the outbuilding to remain as parking space.

#### **Conclusions**

6. The application site already benefits from planning permission for an outbuilding 5.3m in height at this location. The 0.2m increase height would not have a significant adverse impact on the street scene or amenities of neighbouring properties. As such, the officer's recommendation is for conditional approval.

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

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

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

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

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

#### **Human Rights**

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

#### **RECOMMENDATION: Conditional Permission**

##### **Subject to the following conditions:-**

1 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no roof lights or 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 in any elevation or roof slope of the outbuilding hereby permitted.

Reason: To protect the amenities and privacy of the adjoining properties, in accordance with Local Plan Policy GB2 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

2 Within 3 months of the date of this permission, the works to alter the outbuilding to accord with approved Dwg. No. PL-E-006 Rev A "Proposed outbuilding elevations A-D" must be completed.

Reason: As the development is already in situ and unauthorised, works must be undertaken within an appropriate timeframe to accord with this approved planning permission in order to comply with Policies GC1, GC3 and H13 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.



## **PL/18/4719/FA**

Case Officer: Tiana Phillips-Maynard  
Date Received: 14.12.2018  
Parish: The Lee

Decide by Date: 20.03.2019  
Ward: Cholesbury, The Lee, Bellingdon

App Type: Full Application  
Proposal: **Single storey rear entrance porch to the north west elevation, new fenced bins and storage yard to the south elevation and formation of new landscaped patio area to the east elevation.**  
Location: **The Old Swan Public House  
Swan Lane  
The Lee  
Buckinghamshire  
HP16 9NU**  
Applicant: **Mr & Mrs Joel**

### **SITE CONSTRAINTS**

Article 4 Direction  
Adjacent to Unclassified Road  
Area Special Advertising Control  
Within Chilterns Area of Outstanding Natural Beauty  
Adjacent Public Footpaths and Public Rights Of Way  
Biodiversity Opportunity Areas  
Within Green Belt other than GB4 GB5  
North South Line  
Within 500m of Site of Importance for Nature Conservation NC1

### **CALL IN**

Councillor Rose has requested this application is referred to the Planning Committee for determination, regardless of the Officers' recommendation.

### **SITE LOCATION**

The site is located within the open Green Belt on the outskirts of The Lee where it is set within a small cluster of residential properties within a broader rural setting forming part of the Chilterns AONB. The site comprises The Old Swan located on the western side of Swan Lane, at the junction of an access lane adjoining the southern boundary. The plot is large with a substantial rear garden as well as a car park extending to the north. The plot is largely open and un-landscaped, with a dividing fence to separate the front and rear garden, and a hedge separating the access lane to the south from the rear garden.

### **THE APPLICATION**

The application seeks planning permission for the erection of a single storey entrance porch to the north west elevation (rear), new fenced bins and storage yard to north west elevation (rear) and a new landscaped patio area to the east elevation (front).

The porch would measure 2.5m in width and 1.5m in depth with a pitched roof to 3.7m in height and eaves to 2.3m in height.



A seating area is proposed in the front garden area, and it should be noted that tables and chairs could be placed on this area anyway, without the need for planning permission. This front area would be bounded by new 0.9m high post and rail rural style fence which is set back from the highway by 1m, extending to the southern flank of the building.

The new bin store is to the southern end of the rear elevation, to be enclosed by a 7.8m long, 2.5m deep and 1.8m high close boarded fence. A timber shed is also proposed within this enclosure, to have a mono-pitched roof to a maximum height of 2m.

The landscaping includes resin floor finish to the front seating area, planters as well as various paviours.

The application also involves internal reconfiguration, although this does not constitute development.

A Design and Access statement was submitted with the application.

Amended plans were requested and received, as described above, to relocate the bin store from the southern flank elevation, and moving the fencing 1m off the boundary.

### **RELEVANT PLANNING HISTORY**

CH/2008/0832/FA - Detached garage/store - Refused Permission.

CH/2007/0617/FA - Change of use from public house (Use Class A4) to a residential dwelling (Use class C3) - Refused permission.

CH/2006/0798/FA - Two storey side extension (renewal of planning permission CH/2001/1030/FA) - Conditional permission, not implemented.

CH/2001/1030/FA - Two storey side extension - Conditional permission, not implemented.

CH/1993/0050/FA - Alterations and change of use of public house and associated land to private dwelling and garden - Conditional permission, not implemented.

CH/1989/1950/FA - Alterations and two storey extension to form ancillary restaurant with living accommodation above together with car park extension and alterations to access - Refused permission.

CH/1988/3327/FA - Alterations and two storey extension to form ancillary restaurant with living accommodation above together with car park extension and alterations to access - Refused permission.

CH/1983/1490/FA - Erection of first floor extensions - Conditional permission.

CH/1983/1150/FA - Small addition (1.7m) amending scheme approved under CH/1982/653 - Conditional permission

CH/1982/0653/FA - Alterations and extension to first floor to provide new dining room and bedroom - Conditional permission

CH/1982/0522/FA - Erection of 6 foot high close boarded boundary fence - Conditional permission

CH/1981/0926/FA - Erection of extension to provide food preparation area and utility room. Extension of existing car park - Conditional permission

CH/1980/1372/OA - Erection of 2 storey rear extension to provide separate staff accommodation - Conditional permission

CH/1975/1491/OA - To provide staff accommodation in the form of a 2 storey extension to the rear of the house consisting of living room, kitchen, bathroom and 2 bedrooms - Conditional permission

### **PARISH COUNCIL**

The Lee Parish Council (TLPC) comments to the original application are summarised below:

- Pleased to see the improved appearance of the premises which is important to the area.
- The new porch is important and hope patrons use it over the road entrance.
- Welcomes attempt to improve visual impact on the area but has concerns (as below).

- New fencing is on boundary of narrow lane and reduces width for passing vehicles and forces walkers onto the main carriageway
- Black fence will be difficult to see at night.
- 30 new seats is considered excessive with concerns over noise and lighting for neighbouring properties, as well as proximity to road which has limited width and poor visibility.
- Loss of parking spaces when proposal would increase parking need. There is very limited alternative parking.
- Delivery vehicles will park on road as fencing will remove current delivery area.
- Store room at north end has no internal access which is unsuitable due to proximity to road.
- New bin area would use a narrow residential lane which is not currently used by property.
- Concern is raised over collection vehicles using the lane and impact on neighbouring properties.
- There is no indication of timing and bin collection frequency and requests restrictions on this.

The Parish Council also provides suggestions, summarised as follows:

- Replace fence with soft/low landscaping and move back from road by 2m [Officer Note: landscaping has been added and fence moved back from road, even though a fence up to 1m in height could be erected adjacent to the road as permitted development anyway].
- Replace proposed seating to one or two on either side of door [Officer Note: the seating does not require permission].
- Restrict increased seating to rear garden which has extensive space [Officer Note: see above - external seating does not require planning permission and cannot be controlled].
- Lighting should be low level and switched off at closing time.
- Bins should be sited with other refuse bins in main car park.
- Increase car parking spaces [Officer Note: the proposal does not generate any requirement for more parking].

The Lee Parish Council (TLPC) responded to the amended plans as below:

Members of TLPC have considered the amendment to PL/18/4719/FA and, whilst they welcome the changes made to the original application, they feel that the changes do not address all their concerns. Notwithstanding the proposed relocation of the bin store, the points raised in our original response dated 23.1.19 still apply.

## REPRESENTATIONS

Three letter of support were received to the original scheme, summarised as follows:

- Integral part of the community.
- Development will benefit the business but also local area by improving aesthetics.
- Far from obtrusive.

Four letters of objection were received to the original scheme, summarised as follows:

- Seating area to front would cause noise and light pollution to neighbouring residential properties
- Front seating area should have time restrictions on use to protect local amenity
- Rear garden has adequate space for more seating
- Highway is narrow and blind and fence will narrow even further and not allow passing
- The proposal will decrease number of spaces available which is illogical given intended increase in business and will cause parking issues on access lane
- Fence will cause pedestrian safety issue by forcing to walk on carriageway
- Fence will cause highways safety issues with lorries/bin lorries reversing
- Fence will cause highway safety issue for patrons sitting at front
- Bins will create noise and smell
- Bin will be difficult for lorry to access; access road is privately maintained
- Fewer tables would be better to front

- Suggest car park extending into large rear garden
- Lighting to front will be detrimental
- Glass gate and paving are not in keeping with traditional building

Two letters of objection were received to the amended scheme; it is noted the respondents objected to the first scheme as described above. The letters are summarised as follows:

- Relocation of bins is positive
- Concerns regarding noise/privacy/light/late hours still remain applicable
- Concerns still arise regarding collection vehicles along the lane
- How are bins to be brought to kerbside for collection
- Fencing will still pose danger to drivers
- If the perceived road width is reduced it puts safety at risk
- Car park near residential entrances will worsen
- Suggest utilising rear garden
- Agree with improving look of the pub at rear/west but not at the front

**Officer Note:**

Amended plans were received which relocated the bins to the rear (as opposed to the side), and set back the proposed fencing by 1 metre from the boundary. It is noted the fencing could be constructed as permitted development (even adjacent to the highway). In addition, the landscaping and positioning of outside tables and chairs does not need planning permission, as it is not development.

The Environmental Health Department was consulted to address noise/odour issues and no objections were raised. Any public nuisance caused would be a licensing issue and any planning permission granted should not duplicate that existing measure of control.

**CONSULTATIONS**

**Environmental Health Officer (EHO) (Noise/Odour):** No objections, comments below (received 01.03.2019):

Following reviewing the application and communication with the applicant's agent, we have no objections to the development, subject to an Informative, stating that the Council can review the licence for the pub if complaints are received about the outside seating area.

The EHO requested further information from the applicant, which is summarised below (Q's from the EHO, and the applicant's answers):

Q: What will the new seating area at the front of the pub be used for? -

A: There are currently a table and chairs out the front of the pub and the neighbours have never questioned or complained before. The aim is not to move people from the back garden out to the front, just to make the front look prettier. The front doesn't have the sun in the summer evenings, only the back so would think if anyone wanted to eat by the road rather than in the garden it would only be at lunchtime. Same with drinkers.

Q: When will the seating at the front of the pub be in use (days and times)? -

A: The existing times are being retained, there is no variation to these which is to be included as part of this development. The trade kitchen is not being increased in size nor the number of chefs. There will not be the capacity to use the front of the pub for diners. This application is to increase the kerb appeal which is very poor in its current state.

Q: What type of lighting will be put up outside? Where will this be located? -

A: The existing lighting will be simplified rather than the festoons that are currently installed. The scheme will be to retain, replace / re-lamp current lighting (which again is in poor condition) on a like for like basis.

Q: Has the applicant checked with their waste collector that they will be able to empty the bins when they are sited at their new proposed location? -

A: The bin collections can be collected from the proposed bin location. I have had confirmation from the client they have spoken with their waste disposal company and the company has confirmed the new location for the bins are acceptable along with the collection being along the single track (Swan Lane). The waste company have noted they will require 7 days notice to process this change.

Q: Where does the applicant intend for delivery vehicles to park and off-load? -

A: Deliveries will be as existing which will be either dropped off at the back door or through the existing double store room doors located on the main road (image below)

Q: What measures does the applicant intend to put in place to prevent noise nuisance to their neighbours from; those using the proposed front seating area, collection of waste by the contractor, filling of the bulk bins by staff and deliveries? -

A: The existing bins collection are one collection per week, the same as the council collection except there is 1no. bin which is a commercial Biffa type which is collected at about 9am on a Thursday morning.

Q: What measures does the applicant intend to put in place to prevent any lighting from the proposed seating area at the front of the pub causing a nuisance to their neighbours? -

A: The existing lighting to the front of the pub is fairly bright due to the inclusion of festoon lighting, existing flood lights, trough lights and the like. The proposal will to be de-clutter the scheme with a view to re-lamp existing fittings where possible / replace with more canopied wall lights / lanterns if beyond repair.

Waste Services: No adverse comments (received 11 February).

## **POLICIES**

National Planning Policy Framework.

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GC4, GC7, GC14, GB2, LSQ1, TR2, TR11 and TR16.

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

## **EVALUATION**

### **Principle of development**

1. The site is located within the open Green Belt where in accordance with the NPPF most development is considered inappropriate. There are exceptions to this as outlined in the NPPF (paragraph 145(c)), including 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. Local Plan Policy GB2 reflects these provisions and is therefore consistent with the NPPF. The site also lies within the Chilterns Area of Outstanding Natural Beauty (AONB) and therefore any proposal must conserve or enhance the high scenic quality of the locality.

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

2. The current front/side garden is dominated by gravel hardstanding and is void of features with the exception of a small planter accommodating a wishing well. The proposal intends to improve the grounds of

the public house through landscaping to the front garden, as well as providing a formal entrance to the rear elevation which would largely service the parking area.

3. The proposed rear porch is of a modest and subordinate size and scale that reflects the vernacular of the existing building. It would not be prominent in the street scene and is not considered to affect the openness of the Green Belt. It would also preserve the natural beauty of the AONB landscape.

4. The proposal includes soft landscaping to frame and soften the building as well as a mixture of paving to formalise the garden and provide visual interest. In addition, a seating area is also proposed which is to be enclosed by 0.9m high rural post and rail fencing. The fencing could be erected as permitted development and the seating area does not need planning permission. The landscaping is considered to be sympathetic and is considered to reflect the Chilterns Building Design Guide (Chapter 3 Landscape setting and in particular paragraph 5.24). Overall the proposal is considered to improve the appearance of the site as well as the landscape quality and setting of the Chilterns AONB. Given hardstanding exists currently, it is not considered the proposed hardstanding would detrimentally impact on the openness of the Green Belt, and the low height, permeable fencing is considered to maintain the openness. The southern flank of the plot is to remain largely open, with the proposed bin store to be located to the rear elevation. The bin store and shed replaces the existing enclosed 'yard' and as such, would not increase any visual bulk and particularly given the rear location, it is not considered to affect the openness of the Green Belt or scenic rural quality of the AONB.

5. In conclusion, the proposed development is considered to improve the quality and sustainability of the public house and community facility, which is in line with paragraphs 83, 92 and 127 of the NPPF which relates to the supporting a rural economy, promoting healthy and safe communities, and well-designed places. The proposal is considered to be a modest and sympathetic development that is not considered to impact on the openness of the Green Belt and is considered to maintain as well as enhance the special landscape quality of the Chilterns AONB.

#### **Residential amenity**

6. The proposed works would not pose any impacts on the privacy of neighbouring dwellings. Concern has been raised with regard to noise, smell and amenity. The proposal involves refurbishing the external area and to provide seating to the front. It is noted amended plans were received to relocate the bins to the rear of the building. In relation to the front seating area, this does not need planning permission and seating could be put on this area anyway, as it is within the lawful curtilage of the pub. Seating does not constitute development and therefore the Local Planning Authority (LPA) has no control over this.

7. The Council's Environmental Health Officer has confirmed that separate controls exist for any disturbance arising from the seating area, which can be addressed under the licence for the pub. This is not a planning matter. With regards to Local Plan Policies, it is considered there would be no adverse implications regarding the privacy or amenity of nearby residential properties.

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

8. In accordance with Local Plan Policy TR16, the parking standard for the pub is 30 spaces. The existing car park provides space for approximately 20 vehicles and as there are no alterations to the floor space (the porch does not constitute usable floorspace resulting in an increase in customers), no further parking can be required under Policy TR16 of the Local Plan.

9. Concern has been raised regarding the loss of parking space to the front, however this is not included in the calculated 20 spaces in the formal car park to the side. Tables and chairs can be placed on this area anyway, and this area is not required to be retained for parking. In addition, the new landscaped frontage will

visually improve the frontage of the site, and objections cannot be raised regarding the loss of this area for informal parking.

10. Concern has been raised regarding the new fence against the narrow lane and the impact on vehicular and pedestrian access. A 1 metre high fence here could be erected as permitted development, without requiring approval from the LPA, even adjacent to the lane. The current proposal is for a slightly lower fence, sited 1m away from the edge of the lane. Clearly this is a far more preferable proposal than what could be done as permitted development, so it would not be possible to raise any objections to the fence. In any event, it is rural style low fencing and helps mark the frontage of the pub, creating a improved entrance and frontage, and giving the pub a better identity.

### **Conclusions**

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

### **Working with the applicant**

12. 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**

13. 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 AP01 Approved Plans

### **INFORMATIVES**

1 INFORMATIVE - The applicant is advised that should the use of the new front seating area give rise to complaints of public nuisance, the Council's Environmental Health Department can request that the Licencing Department bring the pub's licence in for review under section 51 of the Licensing Act 2003.

2 INFORMATIVE - It is contrary to the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be

Classification: OFFICIAL

so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.

**The End**

Classification: OFFICIAL