



Planning Committee

Monday, 10 June 2019 at 6.00 pm

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

A G E N D A

Item

1 Evacuation Procedure

2 Apologies for Absence

3 Minutes (*Pages 1 - 4*)

To approve the minutes of the Planning Committee held on 18 April 2019 and 15 May 2019.

4 Declarations of Interest

5 Deferred Applications

5.1 PL/18/4593/RC - Site of Chiltern Pools, Drake Hall, Community Centre, Amersham Library and Associated Car Parks and part of King George V Playing Fields, Chiltern Avenue and King George V Road, Amersham, Buckinghamshire HP6 5AH

6 Items for Noting

6 Items for Noting

6.1 New Planning and Enforcement Appeals

6.2 Appeal Decisions

6.3 Withdrawn Appeals

6.4 Consent Not Needed

6.5 Permission Not Needed

- 6.6 Withdrawn Applications
- 6.7 Information Regarding Planning Applications to be Determined

7 Report on Main List of Applications (*Pages 5 - 123*)

Chalfont St Peter

CH/2016/0310/FA & PL/18/3194/FA

Ward: Chalfont Common

Page No: 2

Recommendation: Conditional Permission

Three Oaks Farm, Roberts Lane, Chalfont St Peter

8 Exclusion of the Public (if required)

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

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

Membership: Planning Committee

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

Date of next meeting – Thursday, 27 June 2019

Public Speaking

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

Audio/Visual Recording of Meetings

This meeting might be filmed, photographed, audio-recorded or reported by a party other than the Council for subsequent broadcast or publication. If you intend to film, photograph or audio record the proceedings, or if you have any questions please contact Democratic Services. Members of the press please contact the Communications Team.

If you would like this document in large print or an alternative format, please contact 01895 837236; email democraticservices@chilternandsouthbucks.gov.uk

CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the **PLANNING COMMITTEE** held on **18 APRIL 2019**

PRESENT: Councillor D Phillips - Chairman

Councillors: J Gladwin
M Harrold
C Jones
P Jones
J MacBean
S Patel
J Rush
J Waters
C Wertheim

APOLOGIES FOR ABSENCE were received from Councillors M Titterington, J Burton and N Rose

ALSO IN ATTENDANCE: Councillor A Garth

57 MINUTES

The Minutes of the meeting of the Planning Committee held on 21 March 2019, copies of which had been previously circulated, were approved by the Committee and signed by the Chairman as a correct record.

58 DECLARATIONS OF INTEREST

There were no declarations of interest.

59 DEFERRED APPLICATIONS - WITHDRAWN

Report withdrawn by Officers and the application to be brought back to Committee at a later date.

60 ITEMS FOR NOTING

RESOLVED -

That the reports be noted.

61 REPORT ON MAIN LIST OF APPLICATIONS**RESOLVED -**

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

APPLICATIONS

CH/2017/2353/FA The Swan Public House, Blackwell Hall Lane, Ley Hill, Buckinghamshire, HP5 1UT

Speaking for the Parish Council, Councillor Anne Birkett
Speaking for the objectors, Mr Damian Power
Speaking for the application, Ms Fiona Murray-Young
Speaking as the local District Member, Councillor Andrew Garth

RESOLVED

Permission refused by reason of:

1. Impractical and unsafe parking provision (Policy TR15)
2. Inadequate parking provision (Policy TR16)
3. Significant harm to residential amenities of surrounding properties arising from nursery use itself but also due to the nature/level of traffic generation associated with that use. (Policies GC3 and GC7).

CH/2018/0231/HB The Swan Public House, Blackwell Hall Lane, Ley Hill,
Buckinghamshire, HP5 1UT

Speaking for the Parish Council, Councillor Anne Birkett

Speaking for the objectors, Mr Jamie Reynolds

Speaking for the application, Ms Fiona Murray-Young

Speaking as the local District Member, Councillor Andrew
Garth.

Conditional Consent granted with an additional
informative advising the Applicant that the toilet facilities
must meet the minimum standards. Precise wording
delegated to the Head of Planning and Economic
Development.

The meeting ended at 7.26 pm

CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the PLANNING COMMITTEE held on 15 MAY 2019

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

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

APOLOGIES FOR ABSENCE were received from Councillors P Jones

62 ELECTION OF CHAIRMAN

It was moved by Councillor J Gladwin, seconded by Councillor N Rose, and

RESOLVED:

That Councillor D Phillips be elected Chairman of the Planning Committee for the year 2019/20.

63 ELECTION OF VICE-CHAIRMAN

It was moved by Councillor J Waters, seconded by Councillor J MacBean, and

RESOLVED:

That Councillor M Titterington be elected Vice-Chairman of the Planning Committee for the year 2019/20.

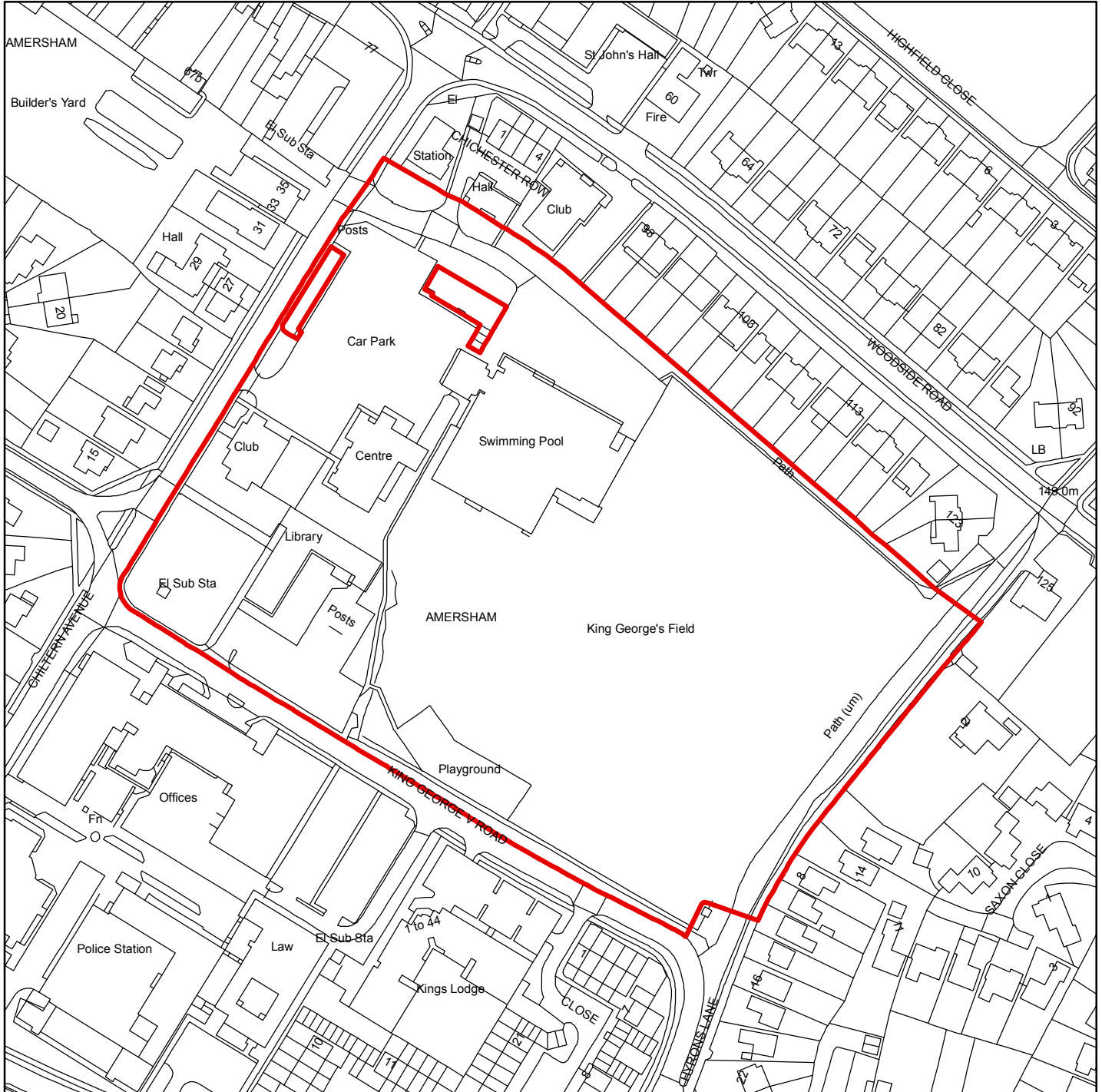
The meeting ended at 9.05 pm

PL/18/4593/RC

Site Of Chiltern Pools, Drake Hall, Community Centre, Amersham Library and Associated Car Parks and Part Of King George V Playing Fields, Amersham HP6 5AH



CHILTERN
District Council



Scale: 1:2,000

This map is reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Officer © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution and civil proceedings.

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

CH/2016/0310/FA & PL/18/3194/FA



CHILTERN
District Council

Three Oaks Farm, Roberts Lane, Chalfont St Peter



Scale: 1:1,000

This map is reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Officer ©
Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution and civil proceedings.

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

PLANNING COMMITTEE – 10 June 2019

REPORT OF THE OFFICERS

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

AGENDA ITEM No. 5

5 DEFERRED APPLICATIONS

5.1 Application reference PL/18/4593/RC (*Case Officer: Gary Murphy*)

Demolition of existing buildings known as Chiltern Pools, Drake Hall, Chiltern Youth Centre and Amersham Library (excl. Annex and Barn Hall) and construction of a replacement two-storey (plus part-lower ground floor) leisure, sports and community building (Use Classes D1 and D2), including 25m swimming pool, diving pool, multipurpose sports hall, squash courts, climbing walls, spa, library, community hall, fitness and gym studios, nursery and dedicated external sports equipment including MUGA and play areas alongside associated external car parking, coach drop off, cycling provision, alterations to vehicular access and landscaping.

Site of Chiltern Pools, Drake Hall, Community Centre, Amersham Library and Associated Car Parks and part of King George V Playing Fields, Chiltern Avenue and King George V Road, Amersham HP6 5AH

Matters for consideration

- 5.1.1 Members will be aware that this planning application was reported to the Planning Committee at the meeting of 14th February 2019. The original Case Officer's report is attached as appendix FP.01.
- 5.1.2 The application was deferred by the Committee in order for Officers to negotiate with the applicants further and for additional information to be provided in respect of the following:
1. Integration of design specifically external materials of the sports hall;
 2. Lack of a Town Centre Impact Assessment on Amersham and neighbouring town centres;
 3. Inadequate car parking provision and to investigate how additional car parking could be accommodated;
 4. Location/provision of coach parking;
 5. Noise levels;
 6. Inadequate servicing area for the range of different service demands; and
 7. Thermal rating of the building
- 5.1.3 Revised plans and new supporting information has since been submitted by the applicant in response to the above concerns.

Town Council

- 5.1.4 Members were pleased that the concerns of the Council's Planning Committee appear to have been addressed, with the provision of additional parking and changes to the elevations. No objection raised.

Representations

- 5.1.5 Following the 14th February Planning Committee, and prior to the re-consultation period nine letters of support and one further objection have been received.

5.1.6 Due to the submission of revised plans and new supporting information, full re-consultation was carried out on 11 April 2019. In response letters of support from some 247 separate sources have been received at the time of writing, noting though some postal addresses have submitted comments from individual occupants. A total of 39 objections have been received and four representations that have been treated as being neutral.

5.1.7 It is noted that many of the grounds for objection received echo those set out in the original officer report (pages 7 - 10) so will not be repeated again. New grounds for objection raised, and the reasons given for support are summarised below.

5.1.8 **Additional grounds for objection/comments:-**

- Question the accuracy of the red edge site plan as this encompasses Hyrons Lane (n.b., refer to report below)
- Sought clarity whether the additional parking proposed would be at ground level or in the form of a multi-storey
- Increased parking provision still considered to be inadequate
- Electric vehicle parking spaces should be located next to the children's play area
- Inadequate parking provision for site workers during construction period
- The Transport Assessment is flawed as this states that the average duration of stay at the existing car parks is less than 1 hour. This data cannot be relied upon to inform assessments about future parking demand as people will be encouraged to stay longer at the proposed centre.
- No provision for dedicated parent and child parking spaces
- The alternative coach parking arrangement is not appropriate – also where are coaches expected to park while they wait. The proposed Car Park Management Plan will not sufficiently address this
- The application does not state intended hours of opening
- Whilst noting the design changes, including reductions in height and change to material palette, the design is still considered unacceptable
- Insufficient details provided in relation to contractors' access arrangements or site compound, with concern that this will impact on the adjoining open space (n.b. refer to report below)
- Existing background noise levels are already too high, so this is not an acceptable basis to assess the future noise conditions
- Not enough consideration has been given for sustainable design/technologies in building design
- The numerous references made to other leisure centres as justification for the proposed size is not helpful as these examples bear very little relevance to this setting in Amersham. The case for such a large building in this location is not proven
- It is not clear how crowd movements within the building will work comfortably (i.e. community room on the upper floor may not handle future demand)
- Lack of play provision for younger children
- Amersham already has ample facilities and the money required could be better spent elsewhere
- There is no planned change in road infrastructure to accommodate additional traffic flows
- Claims made that there is ample parking capacity in nearby car parks is disputed
- The servicing area is poorly located adjacent to a children's play area
- Question the 'business case' put forward in the original application now that the 'future development site' has been reduced in size. Still no clarity/certainty around the funding for this proposal
- The decision should be deferred until the new unitary authority has been established

- Unhelpful scaremongering that if the proposed facility is not delivered then the existing facilities will be lost/demolished
- This is a predominantly residential location so the future noise environment should respect that
- The revised building still remains too large
- Proposal is missing a dedicated children's pool
- Building design should be more sympathetic to the retained barn building on site
- Swimming pool gallery area is not big enough
- Size of the building will create a wind tunnel effect
- There is no evidence to demonstrate demand for some of the additional facilities (e.g. squash courts)
- This will increase traffic/congestion on Woodside Road
- Building will harm the outlook/view of nearby properties
- The building needs a greater set back from the road

5.1.9 Reasons for support:-

- The new centre will be a valuable resource for the health and wellbeing of local residents and aligns with the priorities of the Clinical Commissioning Group, who supports the proposal
- Will help to revitalise the town which has been suffering of late from shops closing down
- Enhanced facilities and new pool will benefit members of Amersham Swimming Club, are vital to the future of the swimming club, and for hosting competition swimming
- Update and improvement is long overdue, facilities for 21st century use are required and the existing buildings are unattractive and not energy efficient
- Proposal will benefit the existing nursery on site and secure its future
- The enhanced nursery facility supports the Local Authority's duty to ensure sufficient childcare provision
- This facility will support future growth and social development of Amersham
- New facility will benefit local schools who will also use this
- Will be a major benefit for the younger generation
- This is needed to safeguard the future of the swimming pool and diving facilities, both of which are well used
- A modest level of disruption during construction is inevitable but it is well worth the long-term benefits for decades to come
- The new facility is vital to ensure continued provision of pool/gym/leisure facilities in Amersham
- This will attract people to the town which in turn will increase spending on the high street
- There is ample parking in the area with the new multi-storey car park
- A new library is needed and this will be a fantastic facility
- This will secure a legacy of sports education and community facilities for future generations
- The revised external appearance is now more in keeping with local context
- Will encourage people to keep fit and active
- A positive thing for younger people and will help prevent them getting involved in anti-social behaviour
- This will become a new vibrant hub for Amersham-on-the-Hill
- The existing pool will soon become economically unviable, and having a replacement is vital
- This will lead to the creation of new jobs which is welcomed

Amersham and District Residents Association:

Pleased to note the changes made to increase parking provision and amendments to the building design. These changes address their earlier concerns and they are now able to support the application.

Consultations

5.1.10 Bucks County Council Highways Officer:

- No additional comments in respect of trip generation, pedestrian access, sustainability and construction;
- Note the proposed changes to the parking layout and number of spaces, which is for the Local Planning Authority to review;
- Welcome the changes made to include the coach parking on site, but note that it would not be possible for a delivery/servicing vehicle and a coach to be parked in their respective positions at the same time;
- Use of the shared operational area needs careful management and assurances in this regard should be set out in a Car Parking Management Plan, that shall be secured through condition.

No objection, subject to recommended conditions.

5.1.11 Sport England:

Have reviewed the information and have no comments to make beyond their initial response.

5.1.12 Natural England:

Confirmed they had no comments.

5.1.13 Thames Valley Police Architectural Liaison Officer:

Confirmed they had no further comments to make.

5.1.14 Bucks County Council Strategic Access Officer:

Confirmed they had no further comments.

5.1.15 Landscape Officer:

The final landscape / planting scheme will need to be secured through condition.

5.1.16 Bucks County Council Archeological Service:

Having reviewed the evaluation report no significant archeological features were recorded. No objection raised, and it is not considered necessary to apply any conditions.

5.1.17 District Strategic Environment Teams (Environmental Health):

No additional comments to make in respect of land quality.

Following review of the updated noise assessment no additional comments to make.

5.1.18 Bucks County Council Sustainable Drainage:

No objection, subject to conditions.

5.1.19 Tree Officer:

Note the changes made, but no change to previous conclusions.

5.1.20 Bucks County Council Highways Officer:

No objections have been raised in respect of the changes made to parking layout, coach parking, minibus parking and servicing arrangements. This would be subject to various conditions being secured, including the requirement for a Car Parking Management Plan.

5.1.21 Ecology Officer:

No change to their original comments.

5.1.22 Planning Policy:

In response to the submitted Sequential Test and Impact Statement Officers consider the report is a proportionate response to the national requirement to undertake a sequential test and impact assessment for the proposed development. It demonstrates that the proposal satisfies the requirements of a sequential test. Further it is considered that it demonstrates there would be no negative impact on town centre investment, whether existing, committed or planned, and neither would there be any negative impact on the vitality and viability of relevant centres. Any impacts are likely to be neutral or, in the case of Amersham on the Hill, positive for the centre.

5.1.23 Urban Design:

- The increased use of brick is considered a positive design change, suggested that different types of grey brick and laying patterns be explored
- Applicant should provide more clarity on how the timber cladding will be fixed/laid to the building
- Samples of all materials need to be agreed
- The landscaped setting for the building should be developed further, with recommendations made as to how best to achieve this (n.b. these are to be secured through condition 5)

Evaluation

5.1.24 The original officers' report to the Planning Committee recommended that planning permission be granted for the development, subject to conditions as set out on pages 38-44 of the attached report. At the Planning Committee meeting on 14 February, Members raised concerns in respect of the appearance of the building and supporting information as set out above and as a consequence the application was deferred for the applicant to consider the concerns raised, look at ways to address these, and to return the application to the Committee at a later date for further consideration.

5.1.25 Having considered the reasons to defer the application the applicant has submitted revised plans amending the building design, and has provided further information in response to the various concerns. The following has been submitted for consideration:

- Revised plans and elevations;
- Design and Access Statement addendum;
- Servicing Strategy Statement;
- Transport Assessment addendum;
- Sequential Test and Impact Assessment;
- Noise Assessment addendum note; and
- Energy and Thermal Performance Building note

5.1.26 Each area of concern raised by Members is dealt with in turn below.

Integration of design specifically external materials of the sports hall:

5.1.27 Members' concerns related primarily to the design and appearance of the sports hall, the

palette of materials and the lack of integration of the building design. In response the applicant has reviewed the proposed design and materials and the following amendments have been made:

South-west elevation (King George V Road):

- Reduction in building height by 800mm (to main entrance area) and reduction in height of 1.5m to central section
- Signage updated and re-located
- Alterations to timber cladding arrangement, change to brick type, alterations to glazing and new architectural fins introduced

North-east elevation (Rear / Car park side):

- Reduction to height of the sports hall by 700mm
- Sports hall materials amended from dark grey cladding to vertical timber cladding (western red cedar)
- Change to brick type – new lighter grey brick proposed
- Swimming pool changing village façade changed from dark grey cladding to lighter grey brick

North-west elevation (fronting car park / Chiltern Avenue):

- Reduction in building height by 800mm (to main entrance area)
- Signage updated and re-located
- Change to brick type – new lighter grey brick proposed
- Alterations to glazing and introduction of architectural fins

South-east elevation (King George V Field):

- Reduction to height of the sports hall by 700mm
- Sports hall material amended from dark grey cladding to vertical timber cladding (western red cedar) to match materials on south-west elevation
- Glazing rationalized and alterations to arrangements to glazing/windows

5.1.28 Further reconsideration of materials has resulted in a simpler palette of materials, the omission of the dark grey cladding to the sports hall and other parts of the building, and its replacement with vertical timber cladding (western red cedar). The revised timber arrangement includes 45 degree timber bands to break up the mass of the sports hall and the community centre elements, as well as providing added visual interest to the elevations. The introduction of a lighter grey brick is a reference to the traditional use of flint as a building material in and around Amersham, and the introduction of more of this brick in place of external cladding is considered to be a further improvement to the building design and appearance. Alterations to the fenestration, changes to glazing and the addition of architectural fins are all considered to be positive design changes.

5.1.29 With regards to the timber cladding the applicant has confirmed the type of timber to be used is guaranteed by the manufacturer for 30 years against rot and decay. This demonstrates the robustness and durability of this product.

5.1.30 The reductions in height to sections of the building, by as much as 1.5m in places, will help to reduce its massing, and these are welcomed alterations. Updated CGI's submitted give an impression of the revised materials palette and how the amended building will appear.

5.1.31 Overall these changes are considered to positively respond to Member concerns, and with these changes incorporated it is considered the building better relates to its context, there is more consistency across elevations and the simplified materials palette results in a softer appearance. The notable changes to the external appearance to the sports hall help to reduce

the overall dominance of this part of the building and enhance its design and appearance. All of these changes (along with the various height reductions) are welcomed and in respect of the changes the wording of the materials condition 16 is recommended to be changed as set out below.

Lack of a Town Centre Impact Assessment on Amersham and neighbouring town centres:

- 5.1.32 Members were concerned with the lack of an assessment of the potential impact of the proposed facility on Amersham-on-the-Hill town centre, as well as other nearby town centres.
- 5.1.33 Policy Officers had previously noted the lack of an impact assessment but concluded that as the proposed facility is to replace and enhance existing facilities that serve an existing catchment then it was not seen to be a proposal that would have any significant negative effects on town centre vitality and viability. No such assessment was therefore considered necessary by Officers prior to reporting the application first time. Notwithstanding this, and in response to Members concerns, in accordance with the National Planning Policy Framework (2019) the applicant has since undertaken a supporting 'Sequential Test and Impact Statement'. This assessment considers potential impacts on Amersham-on-the-Hill town centre and other nearby town centres (including Chesham).
- 5.1.34 The assessment concludes that:
- There are no alternative sequentially preferable sites for the development within Amersham-on-the-Hill town centre
 - The proposal would not adversely impact on existing, planned or committed investment in the centres of Amersham-on-the-Hill, Chesham or Chalfont St Peter
 - The proposal would not negatively impact on existing centres, it is considered that this will positively impact on the vitality and viability of these existing centres, primarily Amersham-on-the-Hill
 - There will be a positive impact in terms of significant employment opportunities generated during construction and operational phases.
 - There would be no conflict with tests of the NPPF.

No objection has been raised to the assessment, or its conclusions.

Inadequate car parking provision and to investigate how additional car parking could be accommodated:

- 5.1.35 Members raised concern that there was insufficient on site parking to meet future demand. Originally 221 car parking spaces were proposed which was deemed to be inadequate, the applicant was asked to consider whether additional on site parking could be accommodated.
- 5.1.36 Whilst noting the Committee's concerns it should be noted there was no objection to the level of parking initially proposed, this was supported by Bucks County Council Highways. The number of car parking spaces proposed originally (221) was informed by assessed demand, as set out in the submitted Transport Assessment. It is considered that this initial analysis provides a robust assessment of envisaged future demand, and Officers were satisfied that 221 spaces represented an acceptable level of parking provision to meet likely demand from the proposed development.
- 5.1.37 To address Members' concerns the applicant is proposing an increase in car parking spaces on site. An additional 42 spaces are proposed on site, increasing the overall provision from 221 to 263 spaces (a 19% increase). These additional spaces have been located to the north of the building on a part of the site shown as 'future development site'. As stated previously the

development or otherwise of this part of the site is not a matter for planning committee at this time and the area would be landscaped until or unless planning permission for any alternative use is granted.

5.1.38 Following the February Committee meeting the applicant has undertaken additional car parking analysis into both current and future demand. Some key points of note are:

- Survey data results demonstrate there is current spare parking capacity within the existing on site car parks, so as things stand there is spare capacity during peak weekday evenings and peak weekend times. When existing demand and forecast additional demand are combined the proposed increase in parking provision to 263 spaces can be expected to accommodate envisaged future demand. It is considered unlikely that overspill parking would occur.
- Using data results obtained from Council parking surveys it is evident that the Council's own parking data is within a 10% margin of error when compared to the applicant's own parking survey results. This is within an acceptable margin of error range and validates the applicant's own survey data.
- Travel surveys were undertaken for centre users, with 329 direct respondents. Results showed that 47.7% of people surveyed drive to the site and that a significant percentage of visitors by car are passengers.
- Survey results showed that a number of users will arrive by car but are simply dropped off, so these visits do not involve use of any parking spaces. The proposed layout includes a dedicated drop-off area which is an improvement on the existing site which has no dedicated drop-off facility.
- Peak usage of the existing car parks does not coincide with periods of peak demand for the proposed centre.
- In the unlikely event that parking demand exceeds capacity the applicant has demonstrated the number and availability of public car parks for use across Amersham-on-the-Hill, should the need for these arise. The wider parking availability, including the multi storey car park and Sycamore Road could comfortably accommodate any overspill parking during the envisaged peak usage periods, which are weekday evenings and weekends.
- During the peak visitor periods envisaged (weekday evenings and weekends) there is sufficient space available in the CDC office car park (capacity - 173 spaces, available for free use to the public Mon – Fri 17:30 to midnight and Sat and Sun all day), the multi storey (capacity – 1046) and Sycamore Road (capacity – 280). Council parking survey results demonstrate clearly that in the case of both the multi-storey and Sycamore Road car parks, there is a notable drop-off in parking demand post afternoon. Further evidence that there would be ample capacity nearby for overspill parking during peak centre usage times (weekday evenings and weekends), if required. The aforementioned public car parks are all within a short walking distance of the site.

5.1.39 The proposed increase in the number of parking spaces on site from 221 to 263 seeks to address Committee Member concerns raised about parking levels. This quantum has been informed by a thorough and robust evidence based assessment. It is considered this level of parking is justifiable and appropriate to meet demand at peak times of use. And in the unlikely event that parking demand exceeds capacity on site it has been demonstrated how the site is well situated for visitors to make use of existing nearby alternative public car parks within Amersham-on-the-Hill. For example the Council offices car park, multi-storey car park and Sycamore Road car park are all known to have plentiful spare capacity during the peak periods for visitors to the proposed centre (weekday evenings and weekends).

Location/provision of coach parking:

- 5.1.40 Coach parking was originally proposed to take place within an area of site containing marked parking bays, that would have needed to be temporarily marked out by cones at times when coaches were expected, and that this arrangement would be managed by the centre operator in accordance with a Car Parking Management Plan (CPMP) (to be secured through condition). This solution was not acceptable to Members.
- 5.1.41 In response to Members' concerns an alternative solution is proposed; coach parking will be provided within the designated operational/service area to the north of the building. This will cater to the long stay parking of coaches on site. Appreciating that the operational area is to be a shared area also used for deliveries and refuse collection, it is proposed that use of this area this will be managed by the centre operator through a CPMP, in order to avoid any conflict between coaches and delivery or refuse vehicles. No use of vehicle parking bays will be required.
- 5.1.42 Having reviewed the swept path analysis drawings Highways Officer's note that servicing or deliveries could not take place within the operational area when there is a coach situated here. The centre operator will need to ensure that deliveries and servicing cannot take place at times when coaches are expected, and sufficient assurance in this regard will need to be made in the CPMP. Provided this Plan is secured through condition then there would be no objection raised on highway grounds. The applicant is committed to managing the use of the operational service area and demonstrating this through the aforementioned condition.
- 5.1.43 To demonstrate the suitability of the proposed coach parking solution the applicant has sought the views of a prospective site operator. The operator has confirmed that operating in a manner which only permits one vehicle at a time to site is not dissimilar to the way in which they operate a number of other leisure sites, and this is a tested, workable and implementable solution.
- 5.1.44 It should be noted that at present there is a single on site coach parking bay, so the proposal will not be different in this regard. The location of the coach parking area ensures that passengers will not have to cross the path of traffic when embarking/disembarking to and from the building, which from a safety perspective is welcomed.

Noise Levels:

- 5.1.45 The future noise environment was a concern of Members, who wanted further consideration of the potential noise conditions.
- 5.1.46 The applicant has been in discussion with the Council's Environmental Health Officer and an addendum to the noise assessment has been provided. Since the Committee meeting in February further baseline measurement has been carried out at an additional location north east of the site to consider potential impacts from the external play areas. The assessment therefore now contains representative background noise conditions from four nearby locations on site.
- 5.1.47 Future noise sources have been considered, including noise breakout from the proposed facility, noise from vehicles on site (car park), noise from mechanical plant and noise from dedicated external play/sports areas.
- 5.1.48 The assessment shows that predicted noise emissions from these noise sources will not contribute significantly to the existing ambient noise levels; this is taken as a strong indication

that the proposal will not have a noise impact. The assessment takes into consideration the current noise sources including traffic on the roads and existing fixed sources associated with the existing buildings.

- 5.1.48 Having reviewed the updated noise assessment there are no outstanding concerns from Environmental Health in relation to methodology, or conclusions in this document.

Inadequate servicing area for the range of different service demands:

- 5.1.49 Members were concerned that the servicing area to the north side of the building may not be large enough to meet future demands from the range of different users.
- 5.1.50 As set out in the original report to Committee, there is not expected to be a material increase in the number of servicing trips / vehicles generated by the use as the proposals are largely a replacement and enhancement of existing facilities, and this remains the position. It is relevant to note that the operational servicing area to the north of the building is an improvement over and above the existing situation, as there is no dedicated on site servicing area currently. This means all servicing in the future can take place off the highway which is welcomed.
- 5.1.51 To give some added comfort that the operational servicing area can adequately accommodate future demands the applicant has confirmed that all servicing will be undertaken through a pre-booking system, and that this will ensure deliveries do not conflict with the arrival of coaches. This will be controlled through the approval of a CPMP. The proposed servicing strategy is demonstrated further through the submitted 'Servicing Strategy Statement' – this document demonstrates the minibus drop off arrangements and the much improved parking provision for minibuses, with two dedicated minibus bays and the potential for further bays if required. The applicant has also demonstrated swept path analysis for standard 10m long delivery vehicles and for smaller general delivery vehicles (i.e. transit sized), both of which are acceptable to Highways.
- 5.1.52 As per the original recommendation, Highways Officer's do not raise objection to the servicing arrangements, or the swept paths provided sufficient assurance is given in a CPMP (to be secured through condition) that general servicing / deliveries cannot be carried out when coaches are expected to be on site.

Thermal rating of the building:

- 5.1.53 As set out in the original report the proposed energy strategy for the building will deliver in excess of the minimum 10% of energy from renewable or low carbon technologies. To address the concern of Members further information relating to the thermal performance of the proposed building has been submitted.
- 5.1.54 It is confirmed by the applicant that the fabric of the building has been designed in line with Part L2A of the 2013 Building Regulations (Conservation of Fuel and Power), and that it has been designed to maximise the thermal performance of the building. The proposed building will achieve improved thermal performance that exceeds current Building Regulations Part L2A with respect to the walls, floors, glazing and air permeability. The specification of these will help to reduce the building's heat losses and positively contribute to the building's sustainability credentials.

Other matters:

- 5.1.55 During the course of reconsulting on this application additional concerns have been raised regarding the ability to construct the development and use of adjacent land. For the avoidance of doubt a planning application cannot be refused on the basis of issues relating to the construction of the development. This is not a material planning consideration but a matter for the developer/landowner to resolve. Permitted development rights exist in relation to the use of adjoining land for temporary periods whilst development is implemented and as such as a local planning authority there is no control over the use of the land for this purpose. The CMP (to be secured through condition) in any event seeks to mitigate the impact of the development in so far as it possible to do so within the extent of planning control.
- 5.1.56 In addition an issue was raised in relation to landownership and extent of the red edge of the application site which due to a drafting error had included Hyrons Lane, this has now been omitted.

Conclusion

- 5.1.57 The revisions to the building design and the additional supporting information submitted by the applicant, in response to the matters for which the application was deferred from the February Planning Committee meeting are considered to respond appropriately to the concerns raised. The changes to the design, materials and appearance of the building are supported, the increased parking provision proposed is considered a reasonable and proportionate response, and the revised arrangements for minibus parking, coach parking and servicing vehicles represent improvements to the original proposal. The additional supporting information submitted appropriately addresses matters relating to town centre impact, noise conditions and the thermal performance of the building. The additional consultation period has demonstrated the level of public support for the proposal, whilst also recognising the objections received, and those reasons for objecting.

Recommendation

- 5.1.58 The recommendation, on the basis of the revised additional information, is to resolve to recommend Council approves its own development subject to referral to Full Council and subject to the conditions as set out on pages 38-44 of the original case officer report with a revision to the wording of condition 16 (external materials), as set out below:-

Before any construction work commences above ground, a sample panel of all external materials are to be erected on site (including mortar mix and pointing profile) including named types of samples of all the facing and roofing materials to be used for the external construction of the development hereby permitted, details of this shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be fully implemented in accordance with the approved details unless alternative materials details are submitted to and agreed in writing by the Local Planning Authority.

6 ITEMS FOR NOTING

6.1 NEW PLANNING AND ENFORCEMENT APPEALS

CH/2017/1650/FA - Log cabin for use as a farm office, restroom and storage associated with the agricultural use (part-retrospective), Oaklands Farm, Beamond End Lane, **Beamond End**

PL/18/2316/FA - Redevelopment of site with three dwellings following demolition of existing dwelling and using same vehicular access, Lantern Lodge, Chiltern Hill, **Chalfont St Peter**

PL/18/3249/FA - Demolition of Nine Elms and The Cottage and erection of 2 detached two storey dwellings, including new entrance gates and associated ancillary works served by existing access onto Jordans Way, Nine Elms, Jordans Way, **Jordans**

PL/18/3625/FA - Two storey side, single storey front and single storey rear extension following demolition of existing utility room, 55 Tylers Hill Road, **Chesham**

PL/18/3698/FA - Two storey rear and single storey front extensions, 10 Charter Drive, **Amersham**

PL/18/3811/FA - Demolition of existing dwelling and erection of two detached dwellings served by an altered access, 21 Howe Drive, **Knotty Green**

PL/18/3827/OA - Outline application for erection of two detached houses, improvement works to the unnamed lane and provision of associated parking and landscaping, Penn Wood House, Beamond End Lane, **Beamond End**

PL/18/4507/FA - Erection of Timber Building (retrospective), Land rear of The Cottage, Cherry Lane, **Woodrow**

6.2 APPEAL DECISIONS

CH/2017/1958/FA - Erection of 6 retractable floodlight columns (2.8m rising to 15m) and lamps to light a football pitch plus associated control cabinet, Penn and Tylers Green Football Club, Elm Road, **Penn**

Officer Recommendation: Refuse Permission

Committee Decision: Refuse Permission

Appeal Decision: Appeal Allowed (16.04.2019)

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

Officer Recommendation: Refuse to Grant Use Certificate

Appeal Decision: Appeal Dismissed (03.04.2019)

CH/2018/0480/FA - Demolition of existing dwelling and erection of a detached building comprising 9 flats, with accommodation in the roof space, basement parking with vehicular access ramp, the erection of a bin store, and associated landscaping, Newbury House, 2 Knottocks Drive, **Knotty Green**

Officer Recommendation: Defer to approve subject to legal agreement

Committee Decision: Refuse Permission

Appeal Decision: Appeal Dismissed (02.04.2019)

CH/2018/0679/FA - Agricultural building (Unit 2) part retrospective involving alterations and retention of part of building the subject of enforcement notice 2015/00016/AB/EN/1, Whitethorns Farm, Ashley Green Road, **Chesham**

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Dismissed (26.03.2019)

PL/18/2180/FA - Demolition of existing garage, erection of two-storey side extension to form one flat and erection of detached rear building to form one flat with associated garage and hard landscaping, MMC Sportif Ltd, Sunnyside, London Road, **Chalfont St Giles**

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Dismissed (18.04.2019)

PL/18/2421/FA - Energy storage facility to provide energy balancing services to the National Grid, Land Adjacent to Energy Transform Station, Lycrome Road, **Chesham**

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Dismissed (02.04.2019)

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

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Dismissed (09.04.2019)

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

Officer Recommendation: Refuse Permission

Appeal Decision: Appeal Dismissed (01.04.2019)

6.3 WITHDRAWN APPEALS

PL/18/2033/FA - Redevelopment of site to provide two detached dwellings with integral garages, a pair of semi-detached dwellings with garages and hardstanding, landscaping and vehicular accesses, 28-32 Oval Way, **Chalfont St Peter**

Officer Recommendation: Conditional Permission

Committee Decision: Refuse Permission

Appeal Withdrawn (16.04.2019)

6.4 CONSENT NOT NEEDED

PL/19/0672/HB - Two free standing externally illuminated car parking signs and replacement externally illuminated pole mounted sign, The Polecat Public House, 170 Wycombe Road, **Prestwood**

6.5 PERMISSION NOT NEEDED

PL/19/0728/TP - Felling of an ash tree protected by a Tree Preservation Order, 16-22 Park Grove, **Knotty Green**

6.6 WITHDRAWN APPLICATIONS

CH/2018/0421/FA - Erection of two semi-detached dwellings, served by new access from Forelands Way, Land to Rear of The Forelands, Punch Bowl Lane, **Chesham**

PL/18/3563/FA - Redevelopment of site with 2 detached dwellings with associated access, parking and landscaping following demolition of existing buildings (Option 2), Stable Farm, Amersham Road, **Chalfont St Peter**

PL/18/3649/FA - Subdivision of plot and erection of dwellinghouse attached to existing dwellinghouse, 30 Upper Belmont Road, **Chesham**

PL/18/4566/FA - Erection of single storey temporary classroom unit with associated landscaping, Alfriston School, Penn Road, **Knotty Green**

PL/19/0451/SA - Application for certificate of lawfulness for proposed: Conversion of the existing one flat above a shop into 2 flats, 111A High Street, **Chesham**

6.7 INFORMATION REGARDING PLANNING APPLICATIONS TO BE DETERMINED

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

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

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

AGENDA ITEM No. 7

7 REPORTS ON MAIN LIST OF APPLICATIONS

AGENDA ITEM No. 8

8 EXCLUSION OF THE PUBLIC

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

Classification: OFFICIAL

CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 10th June 2019

INDEX TO APPLICATIONS ON MAIN LIST OF REPORT

Chalfont St Peter

**CH/2016/0310/FA &
PL/18/3194/FA**

Ward: Chalfont Common

Page No: 2

Proposal: Change of use of land to form extension of existing residential (gypsy) caravan site to provide an additional 5 gypsy caravan pitches including associated hardstanding

Recommendation: Conditional Permission

Three Oaks Farm, Roberts Lane, Chalfont St Peter

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 10th June 2019

CH/2016/0310/FA

Case Officer: Mrs Tracey Francis
Date Received: 22.02.2016 Decide by Date: 30.03.2018
Parish: Chalfont St Peter Ward: Chalfont Common
App Type: Full Application
Proposal: Change of use of land to form extension of existing residential (gypsy) caravan site to provide an additional 5 gypsy caravan pitches including associated hardstanding
Location: Three Oaks Farm
Roberts Lane
Chalfont St Peter
Applicant: Mr Patrick Delaney

PL/18/3194/FA

Case Officer: Mrs Tracey Francis
Date Received: 23.08.2018 Decide by Date: 18.10.2018
Parish: Chalfont St Peter Ward: Chalfont Common
App Type: Full Application
Proposal: Change of use of land to form extension of existing residential (gypsy) caravan site to provide an additional 5 gypsy caravan pitches including associated hardstanding
Location: Three Oaks Farm
Roberts Lane
Chalfont St Peter
Applicant: Mr Patrick Delaney

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Area of Special Advertisement Control
Within Green Belt other than GB4 GB5
High Speed Rail HS2
Mineral Consultation Area
Northolt Safeguard zone

On/within 250m rubbish tip
Colne Valley Park R15

INTRODUCTION

Planning application PL/18/3194/FA is a duplicate of CH/2016/0310/FA for the change of use of land to form extension of existing residential (gypsy) caravan site to provide an additional 5 gypsy caravan pitches including associated hardstanding and as a consequence a combined report has been prepared.

These planning applications are brought to Planning Committee in the light of an appeal which has been lodged against the Council's non-determination of application PL/18/3194/FA, and further to Councillors' call in request in respect of application CH/2016/0310/FA as detailed below.

In the light of the appeal against non-determination of application PL/18/3194/FA the Council is no longer able to make a decision on this application. In order to inform the Council's case to be presented to the Planning Inspectorate and to indicate the Council's preferred method of how the appeal should proceed, having regard to the Inspectorate's timetable for the submission of information, the Committee are requested to now consider the application and advise what their decision would have been in order to allow Officers to prepare a case for the appeal. There is no public speaking on this application as it is now the subject of appeal.

Application **CH/2016/0310/FA** has not been appealed and the Council is still able to take a decision. The Council's decision in respect of this application will equally be material to the consideration of the appeal against non-determination of application PL/18/3194/FA.

There is only public speaking in respect of application **CH/2016/0310/FA**.

CALL IN

Application CH/2016/0310/FA

Councillors Isobel Darby, Christopher Ford, Murray Harrold, Linda Smith and John Wertheim wish to call the applications to Planning Committee regardless of the Officers' recommendation. Councillor Jonathan Rush if the application is for approval.

Application PL/18/3194/FA

No call in requests received.

SITE LOCATION

The application site is located within the Green Belt and Colne Valley Park on the east side of Roberts Lane. The existing site containing 6 pitches has a road frontage of approximately 22m widening to 50m at the rear. There is a driveway that leads from Roberts Lane onto the site widening into a large area of hardstanding, the existing mobile homes, both static and touring are grouped around this area. There are 12 identical timber stables along the site's southern boundary which have been converted to day rooms. There is also a large open fronted barn used for storage and lorry parking.

The proposed extension to the site would take access off the existing drive and run directly in front of the barn. The expansion of the site would be accommodated on land immediately to the south of the day rooms.

THE APPLICATIONS

Applications CH/2016/0310/FA and PL/18/3194/FA are identical.

Planning permission is sought for the change of use of land from agricultural to residential for the purpose of five gypsy pitches.

When application CH/2016/0310/FA was originally submitted planning permission was sought for accommodation for an additional 10 gypsy families. The application was amended in February 2018 to reduce the number of proposed pitches to 5 and the application was re-advertised.

In August 2018 an identical application PL/18/3194/FA was submitted.

As indicated above the proposed expansion of the site is to the south of the existing day rooms. The proposed layout (identical for both applications) is not so typical of gypsy sites in that it shows a pitch only sufficient for one caravan and two parking spaces. Normally it is expected that there would be one static and one touring van or space for two touring vans. A band of screening is proposed along the southern boundary of the extended site.

The applicant's agent has submitted the same Design & Access statement in respect of application **PL/18/3194/FA** repeating much of the information submitted with **CH/2016/0310/FA** that contains the following supporting information (summary):

Use, Scale and Location

- Three Oaks Farm is now home to four generations of the Delaney family. As a result, the 6 approved pitches can now accommodate up to 10 additional households, particularly during the winter months when the extended Delaney family returns to Three Oaks Farm. The proposed site extension is intended to relieve the overcrowding on the existing caravan site and would accommodate 10 additional caravans, either static caravans or tourers, depending on the families' needs.

Access

- Access would be from the existing site entrance from Roberts Lane. Local widenings were provided along Roberts Lane when the original caravan site was approved, in order to ensure that vehicles can pass along the lane without encountering undue delay or inconvenience. A single track lane with passing places is generally accepted as being able to safely accommodate 300 vehicles per hour, which is far in excess of traffic flows along Roberts Lane.

Appearance and Landscaping

- Planning Policy for Traveller Sites (PPTS) continues to suggest that suitable sites may be located within rural and semi-rural areas. Traveller sites have a number of characteristic features which can be atypical in the countryside. As a result, some degree of visual harm must be accepted and, if an adequate supply of gypsy sites is to be provided, some degree of visual harm must be acceptable.
- The test for countryside harm must be whether the development causes unacceptable harm which cannot be made acceptable with additional landscaping. In this regard, paragraph 26 of Policy H makes clear that soft landscaping can positively enhance the environment, whereas sites should not be enclosed with so much hard landscaping that the impression is given that the site and its occupants are deliberately isolated from the rest of the community. In this case, there is an established hedgerow running east-west across the applicant's land, which would be thickened and extended westwards towards Roberts Lane. This would be supplemented by a belt of tree planting along the southern boundary. A new hedgerow would also be established along the eastern boundary. As a result, the caravan site extension would, in time, become assimilated into its rural surroundings, and not cause unacceptable harm to the character or appearance of this locality.

Policy Considerations

- Policy CS14 states that land will be allocated for gypsy/traveller sites in the Delivery DPD, however this was withdrawn in 2015. The new Chiltern and South Bucks Local Plan will include land allocations, but this is only at an early stage of preparation. The Council has no up-to-date policies for bringing forward an adequate supply of gypsy sites in the District, and will not be able to identify a five-year supply of deliverable land for gypsy sites for almost 2 more years.
- The Buckinghamshire Gypsy and Travellers Accommodation Needs Assessment (GTANA) was updated in October 2014, and estimates that there is an unmet need for the provision of 12 permanent pitches in Chiltern

during the period 2013–2028, of which 9 are required to be provided before 2023. This assessment has been updated by the Aylesbury Vale, Chiltern, South Bucks and Wycombe District Councils' Gypsy Traveller and Travelling Showpeople Accommodation Assessment (Feb 2017). This assessment covers a longer time period, extending to 2036 and refers to a total of 15 pitches being needed for gypsies and travellers in Chiltern District (2016–2036), with 8 of these being needed in the first five years (2016–2021) and 70 being needed overall in South Bucks (2016–2036) (for all types of need). Reference is made to the needs assessment figures for both Councils here since the new Local Plan is a joint Local Plan and will need to have a strategy to meet the overall figure of 85 pitches arising from both areas (all types of need). On the evidence of household growth at Three Oaks Farm, as set out previously in this report the GTAA could represent an under-estimate in relation to this site (GTAA surveys were not able to be completed for the site). In addition, there is clearly an immediate unmet need for additional gypsy and traveller pitches in Chiltern

- The proposed development constitutes inappropriate development in the Green Belt. Bearing in mind the past approval for development of Three Oaks Farm as a traveller site, it is clear that any new gypsy sites in Chiltern are likely to be in the Green Belt. This being the case, the extension of an existing traveller site would minimise the loss of openness, and the impact of encroachment. The site extension would not be prominently located or obtrusive and, given the land available for landscape planting, the proposed development would not cause unacceptable harm to the character or appearance of the countryside. It would have a safe access, and is reasonably sustainably located within a short distance (1.2 kilometres) of community services and facilities in Chalfont St Peter.
- The site is not within an area at high risk of flooding, and the development would not cause any other harm.
- On the other side of the Green Belt balance, the unmet needs for traveller sites, and absence of alternative sites for the new households emerging from the extended Delaney family, and the failure of the development plan to date to cater for the unmet needs are all matters that should carry significant weight in favour of the proposed development.
- There are 10 additional households in need of accommodation – the names of the families and children are listed – they are all the grown-up family of the original Delaney family and have need of accommodation as they are currently doubling up on the existing site.
- The proposed site extension would accommodate 5 of the families in need of accommodation.
- These households have a personal need for accommodation on Three Oaks Farm where they can live together as part of a traditional extended family group which should carry considerable weight in favour of this application. Furthermore, there are 6 children living on Three Oaks Farm whose parents are in need of lawful accommodation. These are of an age where they will benefit from continuity of healthcare and regular schooling. Recent case law (AZ v. Secretary of State and South Gloucestershire District Council) has established that the needs of the children are a primary consideration to be taken into account in planning cases such as this.
- Taken together, the factors which weigh in favour of the proposal clearly outweigh the harm to the Green Belt and any other harm, and constitute the very special circumstances necessary to justify the granting of planning permission.

RELEVANT PLANNING HISTORY

92/1206/CH: Erection of a barn was refused on 26 November 1992 on Green Belt policy grounds.

93/395/CH: Retention of calf-rearing unit and erection of barn was refused planning permission on 3 June 1993 and dismissed at appeal on 25 February 1994.

93/396/CH: Retention of mobile home and use of land for residential purposes by an agricultural worker for a temporary period of 3 years was refused planning permission on 3 June 1993 and dismissed at appeal on 25 February 1994.

Enforcement Notice 92/619/EN: alleging "without planning permission, change of use of agricultural land to use for the stationing of a mobile home for residential purposes was issued on 9 September 1994. Subsequent appeal

Classification: OFFICIAL

dismissed and enforcement notice upheld on 25 February 1994 subject to the period for compliance being changed to 8 months.

Council successfully prosecuted for non-compliance and subsequently the Notice was complied with and the mobile home removed from the Land.

94/1262/CH: Retention of mobile home and use of land for residential purposes by an agricultural worker was refused planning permission on 29 November 1994.

00/1019/CH: Retention of replacement building comprising calving units and stables was granted planning permission on 24 July 2000.

Enforcement Notice 2004/0960/EN was issued and served on 16 April 2004 alleging:

"Without planning permission, the change of use of land and building from agriculture to a mixed use for agriculture and use for the stationing of caravans for residential purposes".

A period of two months was given for compliance.

The Notice included reasons for its issue relating to inappropriate development in the Green Belt, to the detriment of the open and rural character of the area, mindful of the location in the Colne Valley Park, contrary to policies GB2, GB3 and GB9, GB28, R15, GC1 and GC3 of the Adopted Chiltern District Local Plan, 1997, Policy GB1, GB3, H10 and UF2 of the Adopted Buckinghamshire County Council Structure Plan, 1991 - 2011 and Policy 8, 13 and 32 of the Replacement Buckinghamshire County Structure Plan, 2001 - 2016, Deposit Draft.

The notice required the use of the Land for the stationing of caravans for residential purposes to cease and the remove from the Land all caravans and associated buildings including concrete bases, fencing, vehicles, equipment and other associated paraphernalia not reasonably required in connection with the agricultural use of the Land.

A Stop Notice was also served on 16 April 2004 to come into effect on 19 April 2004.

Enforcement Notice 2004/0961/EN was also issued and served on 16 April 2004 alleging:

Without planning permission, the creation of a hardstanding in excess of that reasonably required in connection with the lawful agricultural use of the site.

The Notice included reasons for its issue relating to the extent of the area of hard surfacing exceeding that reasonably required to give access to and turning space within the Land for agricultural use and failing to maintain the openness of this part of the Green Belt constituting inappropriate development lacking any special justification contrary to Central Government Advice in PPG2 and Policy GB2 and GB30 of the Adopted Chiltern District Local Plan - 1997. Furthermore mindful of the expanse of hardstanding, it clearly does not meet the aims and objectives of the Colne Valley Park Strategy. The development was considered to be contrary to Policy GB2, GB30 and R15 of the Adopted Chiltern District Local Plan - 1997.

The notice required the removal of all hardcore and surface material brought onto the land.

A Stop Notice was also served.

2004/1668/CH - Change Of Use Of Land From Agriculture To Use As A Private Gypsy Caravan Site Limited To 12 Caravans. Refused, the reasons for refusal reflecting the reasons for the 2004 Enforcement Notice namely, inappropriate development in the Green Belt and use as a gypsy caravan site unacceptable as a matter of both principle and on visual grounds and no very special circumstances considered to exist sufficient to justify making an exception. Also use also detracts from Colne Valley Park. Development is contrary to Policy GB2, GB3 and GB9, GB28, R15, GC1 and GC3 of the Adopted Chiltern District Local Plan, 1997, Policy GB1, GB3, H10 and UF2 of the Adopted Buckinghamshire County Council Structure Plan, 1991 - 2011 and Policy 8, 13 and 32 of the Replacement Buckinghamshire County Structure Plan, 2001 - 2016, Deposit Draft.

Objections were also raised on highway grounds.

Classification: OFFICIAL

Appeals were lodged against the issue of the 2004 enforcement notices and in respect of application 2004/1668/CH. The appeals were dismissed and the enforcement notices upheld with the period for compliance being extended to one year.

CH/2006/1016/FA Change of use of land from agriculture to gypsy caravan site for six families, retention of six additional stables and conversion of all stables to provide dayrooms and bathrooms, retention of fencing and hardstanding and provision of additional hardstanding. This application related to a reduced site area compared to that the subject of the 2004 enforcement notices and application. - Refuse permission - the reasons for refusal again reflecting the reasons for refusal of the 2004 application and Inspector's conclusions as well as highway objections.

A subsequent Appeal (Inspectorate ref APP/X0415/A/06/2029107) was allowed in September 2007 granting a personal and temporary 5 year permission, the condition stating:

The use hereby permitted shall be carried on only by the following, and their resident dependants: Patrick Delaney Senior, John Brian, Bill Delaney, Barbara Delaney, Jim Delaney, Jacqueline Delaney, Martin Delaney, Ann Delaney, Michael Delaney, Margaret Delaney, Patrick Delaney and Kathleen Delaney, and shall be for a limited period being a period of 5 years from the date of this decision. At the end of this period the use hereby permitted shall cease, all materials and equipment brought on to the land in connection with the use shall be removed, and the land restored to its former condition within 3 months.

The Secretary of State concluded that the appeal is not in accordance with the development plan. The proposed gypsy site would be inappropriate development in the Green Belt, there would be additional harm to the openness of the Green Belt and there would be some effect on the landscape of the Colne Valley Park, although this would be of limited visual significance. The unmet need for gypsy sites, including those of the appellant's extended family, and their personal circumstances should carry substantial weight. However, there is reasonable prospect of alternative sites being allocated and becoming available in five years. A temporary permission for the Delaney Family would not undermine the development plan process, but would allow time for alternative sites to be identified through the development plan process. There are therefore very special circumstances which outweigh the harm to the Green Belt and other harm for a temporary period, but which do not justify a permanent permission.

CH/2008/1116/FA Retention of site entrance gates and walls. Refused.

Enforcement Notice 2008/00012/ENF issued 9 October 2008 alleging without planning permission the erection of entrance gates and walls.

Appeals lodged against refusal of planning permission CH/2008/1116/FA and Enforcement Notice. Appeal subsequently withdrawn July 2009. Enforcement Notice complied with.

CH/2010/0192/FA Continued use of land for the stationing of caravans for residential purposes for six gypsy pitches together with the conversion of an existing stable block to provide dayrooms, retention of fencing and hardstanding and provision of additional hardstanding and fencing (including bin store), small sewerage plant, site entrance gates and walls, and landscaping. Conditional permission, including a personal condition. A copy of the Decision Notice is attached as Appendix MR.01.

This permission has overridden previous Enforcement Notices.

OFFICER NOTE: An Article 4 Direction relates to this site removing Permitted Development Rights in respect of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, namely: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

PARISH COUNCIL

The comments of Chalfont St Peter Parish Council are repeated as follows:

May 2016 - The Parish Council in response to the initial consultation on planning application **CH/2016/0310/FA** submitted a detailed report (prepared by Planning Consultants on their behalf) detailing the planning history, statutory planning policy and area constraints that are key determining factors in assessing this application the main points are summarised as follows.

Planning Application and Site

- Site is within the Green Belt comprising 0.4 hectares. Application CH/2016/0310/FA proposes to extend the site by 10 additional gypsy pitches – totalling 16 pitches

Planning History

- Notes there is an extensive planning history, the most recent application being CH/2010/0192/FA for the use of land for 6 gypsy pitches and conversion of existing stable block to provide day rooms. The permission was granted having regard to the particular needs of the family in terms of education and health and the lack of sufficient sites for gypsy and travellers

National Planning Policy

- National Planning Policy has been updated since previous applications and appeals relating to the site.
- National Planning Policy Framework (NPPF - 2012) para 79 highlights importance of Green Belt by keeping them permanently open and 87 inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances
- Planning Policy for traveller sites (PPTS) 2015, Para 3 outlines Government's overarching aim to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
- Para 10 of NPPF -2012 sets out that the LPA should in producing their Local Plan (a) identify and update annually a supply of specific deliverable site sufficient to provide 5 years' worth of site against their locally set targets (b) identify a supply of specific, developable sites or broad locations for growth for year 6 to 10 and where possible for years 11-15 (d) relate the number of pitches or plots the circumstances of the specific size and location of the site and the surrounding population size and density (e) protect local amenity and environment.
- Para 16 of NPPF – 2012 sets out that inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

Local Policy context

- Policy CS14 of the Core Strategy sets out that sites for gypsies and travellers and travelling showpeople will be allocated in the Delivery DPD (now not proceeded with and will come forward in the emerging new joint Local Plan for Chiltern and South Bucks. There is a presumption against inappropriate development within the Green Belt and new gypsy and travellers site and sites for travelling showpeople constitute inappropriate development if no suitable or deliverable sites can be allocated within the settlement areas excluded from the Green Belt, in very special circumstances consideration may be given to granting permanent planning permission on Green Belt sites which already have an extant temporary permission

Chiltern District Gypsy and traveller need and supply

- Notes at that time there were two County sites, Three Oaks Farm one of 3 private sites albeit the other two on temporary permissions and one unauthorised site.
- Refers to results of Bucks Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment and number of pitches required.

Other key evidence

- Fire and safety of Gypsy and Travellers 2015 – 360 fires per year occur in caravans, in assessing the layout of proposed sites they should provide safe and adequate living environment.

Conclusion and recommendation

- Planning law requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The special interest of the family outweighed impacts on the Green Belt in the assessment of the 2006 and 2010 applications. Paragraph 16 of the NPPF – 2012 states that traveller sites (temporary or permanent) within the Green Belt amount to inappropriate development. The NPPF 2012 has narrowed the scope of material considerations that may be applied to 'very special circumstances'. As such, it is concluded that, subject to the best interest of the child, personal circumstances and unmet need are unlikely to outweigh harm to the Green Belt, and any other harm, so as to establish very special circumstances.
- Proposal contrary to CS14
- Layout and design not suitable for safe living
- The emerging new Local Plan will identify suitable sites
- CH/2016/0310/FA should be refused on the basis that the proposal is a significant departure from national planning policy and is contrary to the local development plan. Furthermore, it is not clear in the layout and design of the proposal how it could provide suitable or safe living conditions for 10 additional pitches.

March 2018 - following re-consultation on application CH/2016/0310/FA revised details:

Most of the objections in the Parish Council's submissions of May 2016 still apply. In particular the application is contrary to Policy CS14 –new gypsy and travellers sites constitute inappropriate development in the Green Belt

October 2018 - The Parish Council in response to planning application **PL/18/3194/FA** have submitted an updated report (prepared by Planning Consultants on their behalf) again detailing the planning history, statutory planning policy and area constraints that are key determining factors in assessing this application the main points are summarised as follows:

National Policy Context

- The National Planning Policy Framework (NPPF) was updated and published on 24 July 2018.
- Chapter 5 of the NPPF identifies that in order to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed.
- Chapter 13 of the NPPF sets the policies for protecting Green Belt land. The Government attached great importance to Green Belts, with the essential characteristics of Green Belts being their openness and permanence.
- Paragraph 143 states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Further, paragraph 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- Planning policy for traveller sites (PPTS) 2015, paragraph 3 outlines that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
- Paragraph 16 of the PPTS states:
- Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

Local Policy Context

- CDC is currently preparing a new Emerging Joint Local Plan in partnership with South Bucks District Council, although the Authority has yet to publish the Draft Local Plan for consultation. Therefore this emerging Local Plan is not a material consideration carrying notable weight at the present time. Nevertheless, regard should be had to the emerging Local Plan evidence base, including Green Belt Assessment and Options Appraisal documents, and the Aylesbury Vale, Chiltern, South Bucks, and Wycombe District Council's Gypsy, Traveller and Travelling Showpeople Accommodation Assessment - ORS (dated February 2017).
- Core Strategy Policy CS14 still applies.
- Whilst there is no longer any specific design national design guidance for gypsy and traveller sites, Core Strategy policy CS20 seeks a high standard of design and environmental quality across all development proposals.

Chiltern District Gypsy and Traveller Need and Supply

- The supporting letter which accompanies the application, refers to the Buckinghamshire Gypsy and Traveller Accommodation Needs Assessment 2014 in reviewing the level of need for the provision of additional sites across the district. It should be noted, that this county wide assessment predated the government's Planning Policy for Traveller Sites, published in 2015 which amended the definition of "gypsies and travellers" to mean the following:
 - Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such.
- The more recent Gypsy, Traveller and Travelling Show people Accommodation Assessment (GTAA) is not referenced in the supporting letter to the application. This was carried out on behalf of Aylesbury Vale, Chiltern, South Bucks and Wycombe District Councils by ORS in February 2017.
- The 2017 study found that on the basis of the amended PPTS, there were no Gypsy and Traveller households identified in Chiltern that met the revised planning definition. Nine unknown households could be found to meet the planning definition (no contact possible) and seventeen households did not meet the planning definition. The existing site at Three Oaks Farm was one such site where contact was not made.
- For unknown households, whilst there is an identified need for up to 2 additional pitches from new household formation from a maximum of 9 households and 1 temporary pitch, this is offset by supply from 2 vacant pitches and 1 household moving to bricks and mortar from the public sites.
- Reference is made to the current provision in CDC in terms of the former County sites and private sites
- More widely, gypsy and traveller site provision is being presented as part of the Green Belt Development Options Appraisal (2014-2036), including development options for land North East of Chesham, land to the East of Little Chalfont and land to the East of Beaconsfield.

Discussion

Principle

- It is important to consider the level of need for traveller provision across the District and wider County, the Chiltern And South Bucks Local Plan (2014-2036) has yet to be adopted, the 2017 GTAA forms part of the evidence base for the emerging Local Plan. The assessment of the current development proposal runs parallel to that of an pre-existing application CH/2016/0310/FA, which is still pending consideration.

Personal Circumstances

- The application appears to advance a single very special circumstance relating to unmet housing need. As learnt through a written ministerial statement in July 2013, in considering planning applications, although each case will depend on its facts: the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt. Therefore, in the absence of any other very special circumstances, it is argued that harm to the Green Belt has not been outweighed and therefore development is inappropriate and should be refused.

- Given the inconclusive findings of the GTAA in 2017, relating to the status of individuals currently residing at the site, the LPA should satisfy itself that future occupants identified for occupation of the additional pitches comply with the definition of gypsies and travellers as defined by PPTS.

Design, Landscape and Visual Impact

- Site is within Green Belt and Colne Valley Regional Park location. There are additional pressures associated with the M25 corridor and background ambient noise. It is therefore critical that development proposals within this area are appropriately evidenced and justified against local and national planning policy to comply with policies CS14 and CS20.
- Having regard to Policy C of PPTS (Sites in rural areas and the countryside), paragraph 14 states that: When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Consideration must be given to the relationship of the existing and proposed site with the wider local community, including any impacts associated with a mixed commercial use of the site. The resultant site, when considered in combination with the existing site provision, would consolidate a substantial development of 11 pitches, including a mix of static, tourer caravans and additional hardstanding would be conspicuous development on a rural lane. It would be entirely disproportionate to the settled community and contrary to Green Belt protections. The provision of additional hardstanding in addition to existing areas would erode the intrinsic rural character of the area further, contrary to policy CS20.
- Policy E of PPTS (Traveller sites in Green Belt) advises under paragraph 16 that Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development and therefore harmful by definition. Whilst acknowledging the need to protect the best interests of children, other personal circumstances and evidence of an unmet need, these are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.
- In the Green Belt Preferred Options consultation (2016), this site was not put forward as a preferred location for release from the Green Belt.
- The bridleway (CSP/44/2), locally known as Old Shire Lane, running parallel to the eastern field boundary is a key route forming part of the Colne Valley Regional Park walking route. The application, including the supporting letter, fail to provide sufficient evidence or consideration of the landscape and visual impacts likely to arise as a result of the proposed expansion, upon users of this bridleway. There is insufficient detail provided more generally to determine the overall landscape and visual effects and the LPA is therefore unable to determine the landscape and visual impact on the special characteristics of the Green Belt.

Parking and Access

- Section 10 of the application form states that five spaces are proposed. The previous decision for the application CH/2010/0192/FA states that no more than ten vehicles can be parked, stored or stationed on the site, with the reason given that this would ensure that the development does not detract from the visual amenity and rural character of the area, having regard to the location of the site within the Green Belt and Colne Valley Park. The site layout plan for Thee Oaks Farm shows ten car parking spaces for the extension alone. Whilst this extension is drawn as separate to the existing development on the site plan, the issue of not detracting from the visual amenity and rural character of the area will still stand and this should be a key consideration in determining the outcome of the current application.
- Whilst the application is correct in stating the proposed development would be in reasonably short distance from local community facilities, this would be along a road without a footpath, and therefore highly likely to encourage the use of a motor vehicle and not promote sustainable development.

Other Issues

- Section 11 advises that the proposed site would be served by a package treatment plant, however it is unclear as to whether there is sufficient capacity within an existing foul water system for additional pitches, Engineering operations of this nature should not be permitted within the Green Belt unless all existing provision has been examined with special circumstances to justify the general site expansion.

- The application does not appear to be supported by any ecological evidence to determine the impacts of the proposal on local wildlife and protected species. This appears to be an outstanding issue with the parallel application CH/2016/0310/FA and therefore prevents the Council from fulfilling their responsibilities under the Habitat Regulations .

Conclusion and Recommendation

- The submission fails to demonstrate that the proposed expansion of the site would justify the key test of 'very special circumstances' within the Green Belt, given that there are still questions concerning the need for additional accommodation within the local area and a lack of publicly available information to determine the status of future occupants. Expansion of the site has a potentially significant adverse landscape and visual impact which has not been adequately explored or addressed.
- Additionally, there remains a lack of information to determine whether the existing site is serving its most effective use and whether the overall impacts could be offset by the removal of any redundant or disused structures. Therefore, the LPA is unable to determine that further proliferation of caravans, infrastructure and hardstanding would be an appropriate form of development within the Green Belt, or the Colne Valley Regional Park, contrary to the development plan, and notably policies CS14 and CS20 of the Core Plan Strategy and paragraph 143 of the NPPF.
- In final conclusion, the approval of the application is not only unjustified, but it also presents a risk of setting a precedent which would be likely to lead to the significant expansion and provision of very large gypsy and traveller sites within the Green Belt. Further development would be perceived to increase the proliferation of caravans, hard standing and other unsympathetic features, leading all the way down to West Hyde Lane. On the basis of the above review, it is recommended that the application should be refused.

REPRESENTATIONS

3 letters of objection have been received in respect of application CH/2016/0310/FA – in response to application PL/18/3194/FA one of the objectors has questioned why no decision has been reached. The objections are on the following grounds (summary):

- No evidence of very special circumstances
- Believe that the grant of planning permission would be a precedent for the continued expansion of this site to support future generations
- Do not agree that the access is suitable
- Additional survey of volume and traffic type on Roberts Lane should be undertaken
- Lane unsuitable for heavy commercial vehicles related to the occupation of residents on site
- Application pre-empts outcome of Local Development Plan
- Object to change of use of land in green belt, may end up at housing development in future
- Not against some increase in number of caravans, but 10 is excessive
- There are already sufficient gypsy pitches in the area which could cater for the additional families
- Additional traffic could harm currently quiet road network and alter the current quiet road
- Change in traffic would have significant impact on surroundings

CONSULTATIONS

Bucks County Council Highways:

"The site is located along Roberts Lane which is an unclassified road subject to the national speed limit of 60mph. Due to the location being rural in nature there is no access to pedestrian footways, public transport link and street lighting is not present.

It is noted that the existing site currently has six residential caravan plots, the application sets out the extension by a further five residential caravan plots. The existing access is to be utilised for this application. The access currently benefits from access gates which appear to be set back from the highway at an adequate distance to allow a vehicle to pull clear of the highway before opening or closing the gates. The access in front of the gates is wide enough to accommodate two vehicles passing simultaneously.

Whilst the creation of five new residential caravan plots is likely to result in an intensification of use of the site, the impact of this could not be considered material in terms of capacity and safety.

Therefore taking the above into consideration the Highway Authority has no objections to the proposals, subject to the following condition being included on any planning consent that you may grant:

Condition: No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 151 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

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

County Council's Strategic Flood Risk Assessment team:

In respect of application CH/2016/0310/FA (original scheme prior to amendment) initially indicated that an objection would be raised regarding the lack of information regarding surface water management to allow for a meaningful SuDS appraisal to be carried out.

In response to the consultation on the now identical application PL/18/3194/FA advise, the site area nor number of proposed dwellings meet or exceed the major criteria. Therefore the SuDS team will not be issuing a formal response to this application.

County Council Ecologist:

Comments: I have reviewed the Preliminary Ecological Appraisal report produced by Ecology By Design (February 2017) and recent site photographs, and am satisfied that the impact of the proposed development on protected species has been given due regard.

The survey has confirmed that overall the site is of relatively low ecological value. If minded to approve, please include conditions to ensure safeguards are followed in respect of wildlife and details of ecological enhancements are provided to ensure a net gain in biodiversity is achieved.

Enhancements:

In accordance with Core Strategy Policy 24: Biodiversity of the Chiltern District Core Strategy, the biodiversity resources within Chiltern District will be conserved and enhanced by ensuring *"development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. This will be in accordance with the Buckinghamshire Biodiversity Action Plan as well as the aims of the Biodiversity Opportunity Areas and the Chiltern AONB Management Plan. Where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest."*

In addition to local policy, the NPPF (2018) sets out that *"Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity"*.

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

Classification: OFFICIAL

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy 24: Biodiversity 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.

Vegetation clearance outside the bird nesting season:

All wild birds, their nests and young are protected during the nesting period under *The Wildlife and Countryside Act 1981* (as amended) and I therefore recommend the following informative is included if minded to approve.

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.

District Councils' Environmental Health Officer: No objection.

District Councils' Environmental Health Officer (land contamination):

"The proposed development involves a change of use of land to extend the existing residential caravan site to provide 5 additional traveller pitches and hardstanding. The Council's historical maps indicate that the site is most likely to have had an agricultural use. The site has remained undeveloped from the 1874 – 1891 to the present. The information given in the application form suggests that the land is currently used for grazing. The site is adjacent to an area of landfill. The Colony Quarry, West Hyde Lane, Chalfont St Peter received inert, industrial, commercial and household wastes. The site first received waste on 31st December 1974 and last received waste on 31st December 1982.

The proposed development does not include any soft landscaping.

In the event of ground gases migrating from the former landfill, accumulation of gases will be unlikely as there will not be any underground voids and there will be ventilation beneath the caravans.

The application requires the following condition(s):

1. 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, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

INFORMATIVE: Information for Developers and guidance documents can be found online at http://www.southbucks.gov.uk/information_for_developers
<http://www.chiltern.gov.uk/article/2054/Information-for-Developers>"

Colne Valley Park Community Interest Company:

Objects to this application because of development in the Green Belt and the loss of the abilities for this organisation to achieve its objectives in maintaining and enhancing Colne Valley Park.

If approved, would ask for appropriate mitigation and compensation in line with CIC's objectives

Classification: OFFICIAL

POLICIES

National Planning Policy Framework (Revised 2019) (NPPF)

Planning Policy for Traveller Sites (August 2015) (PPTS)

National Planning Practice Guidance (NPPG)

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS14, CS22

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GB1, GB2, LSQ1, LB2, TR2, TR16,

Gypsy and Traveller Accommodation Topic Paper Joint Chiltern and South Bucks Local Plan 2036

EVALUATION

Principle of development

1 The site is situated within designated Green Belt. Under the terms of the National Planning Policy Framework Revised in July 2018 (NPPF) and updated in 2019, new development should be considered as "inappropriate" in the Green Belt unless it falls within a limited number of exceptions. Those exceptions are listed at paragraphs 145 and 146 of the revised version of the NPPF.

2. Paragraph 143 identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

3. The exceptions at paragraphs 145 and 146 are the same as those set out in paragraphs 89 and 90 of the former version of the NPPF which was in effect at the time the 2016 application was submitted. Paragraph 146(e) of the revised version of the NPPF now allows for material changes of use of land provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it – those purposes being set out at paragraph 134. There was no exception relating to material changes of use in the former version of the NPPF but such an exception was included within Planning Policy Guidance Note 2 – Green Belts (PPG2) the guidance which existed prior to the NPPF. Policy GB2 of the Chiltern District Local Plan (1997) reflected the guidance in PPG2 and allows for material changes of use of land, which maintain the openness of the Green Belt and do not conflict with the purposes of including land within it. Whereas that criteria was out of step with the original version of the NPPF, the policy is, once again, consistent with national policy.

4. The approach to material changes of use in the NPPF is relevant as the development involves the material change of use of land.

5. The issues to be addressed in the consideration of these applications are therefore fundamentally:

- Whether the development the subject of these applications is inappropriate in the Green Belt and if so what is the effect of the development on the openness of the Green Belt;
- The effect of the development on the character and appearance of the area including the Colne Valley Park

- If the development is inappropriate, whether there are any very special circumstances which would outweigh the harm by way of inappropriateness and any other harm which this development would cause.
6. Other considerations include:
- Whether the site is a sustainable location
 - Implications for highway safety
 - Implications for amenity of nearby residential properties
 - Other issues in terms of ecology and SUDS.

Whether the development is appropriate within the Green Belt.

7. The application is for the use of the land as a private residential gypsy site, providing 5 additional pitches as an extension of the existing gypsy site which has planning permission for 6 pitches on the site.
8. Within the applicants agent's supporting statement, the applicant accepts that the development is inappropriate development. It is further accepted that the proposed development results in harm to the openness of the Green Belt.
9. There can be no doubt that the extension of the existing site to provide five more caravans pitches with the associated material change of use will have an impact on the openness of the Green Belt on account of their physical size and visual impact. The residential use of the land and associated potential fencing and landscaping will undoubtedly reduce openness and have a considerable urbanising effect and represents further encroachment into the countryside, contrary to one of the core purposes of the Green Belt, as listed at paragraph 134(c) of the Framework.
10. Furthermore, Paragraph 16 of Planning Policy for Traveller Sites advises that sites for travellers are harmful to the Green Belt and should not be approved, except in very special circumstances and that traveller sites are inappropriate development in the Green Belt. Also it goes on to state that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.
11. There is no dispute that the development is inappropriate development and as such very special circumstances will need to be demonstrated.

Gypsy status

12. The onus is on the applicant to demonstrate that they are gypsy and travellers in accordance with the definition in Annex 1 of PPTS, which states:
- "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."
13. As this is an application for a proposed use, then any new occupant would be expected to comply with this requirement. In this case it is known from information provided by the applicant's agent that the proposed extension to the existing site is to provide accommodation to meet the existing family's growing need. The site is now home to 4 generations of the Delaney Family.
14. It is notable that the phrase "cease to travel...permanently" has been removed from the above definition, and consideration of future intent to travel will therefore also be a material consideration. The PPTS definition at Annex 1 paragraph 2, also qualifies further the tests the appellant must meet, to satisfy the

planning definition. This includes outlining history of a nomadic life, the reasons for ceasing a nomadic way of life subject of these applications, and the intention to live a nomadic way of life again in the future, and how soon and in what circumstances.

15. In respect of the applications relating to the existing site, the occupants' status as gypsy's has been accepted and it is known that the families travel and that this lifestyle has been continued through the generations.

16. The applicants Gypsy or Traveller status is not disputed and it is not disputed that the proposed use would be for this purpose.

The Effect on the Openness of the Green Belt and the purposes of including land within it.

17. Due to the way in which paragraph 146 of the Framework is framed any assessment of whether a material change of use or engineering operation amounts to inappropriate development must include an appraisal of whether the development would fail to preserve the openness of the Green Belt or conflict with the purposes of including land within it. As noted above, the applicant accepts that this development is inappropriate development within the Green Belt and thereby acknowledges a degree of harm in those respects.

18. The applicant's agent notes that the proposed site will adjoin the southern side of the existing caravan site and be on land bounded to the north by existing buildings. The site extension would be set back from Roberts Lane and behind a substantial boundary hedgerow and in line with the existing day room building in order to leave space of tree planting to mitigate the impact.

19. Development can have an effect on the openness of the Green Belt in both a physical and visual sense. In other words, a building that is erected on land that was previously free from development and open will have some impact on the openness of the Green Belt on account of its physical size. The proposal to station 5 caravans be they static or mobile will undoubtedly have an urbanising impact and extend the built form out into the countryside. It is accepted that the existing building to the north will mitigate some of the impact of the proposal, none the less this is a sizeable extension and the screening offered by the proposed hedgerow planting does not fully disguise the visual impact of the development completely and the caravans and or static units will be visible from both Roberts Lane and West Hyde Lane and the bridleway (CSP/44/2), locally known as Old Shire Lane, running parallel to the eastern field boundary which is a key route forming part of the Colne Valley Regional Park walking route.

20. In terms of the assessment of the impact on openness, it is relevant to draw on the planning history of the site. In particular it is pertinent to note that one of the fundamental differences between the scheme the subject of the 2005 appeal and the subsequent 2007 appeal was the reduction in the size of the site area, primarily reducing the site area by a half including removing two pitches directly adjacent to Roberts Lane and utilising the existing buildings on the site to screen the area containing the caravans.

21. The site for which the permanent planning permission was granted in 2010 was larger than that the subject of the 2007 appeal but none the less was considerably smaller than the site originally occupied in 2005. This proposal will of course extend the site, but it still remains smaller overall than that occupied in 2005.

22. The findings of the Secretary of State and Inspector in determining the appeal in 2007 remain pertinent to this application. The Secretary of State concluded that there would be some loss of the Green Belt openness and some effect on the landscape of the Colne Valley Park, but the harm would be of *limited visual significance* (para 18 of the Secretary of State's decision letter 2007). The Secretary of State concluded that the

much reduced size of the site and visual impact of the development was an important difference between the development before him and the 2005 appeal.

23. Whilst the site the subject of these applications will extend the existing site, it does not appear larger than reasonably necessary to accommodate an additional 5 pitches. The layout shows that provision for one static or tourer is proposed per pitch, which is somewhat unusual, however there are facilities within the large barn area on the existing site to accommodate storage of small touring caravans as required albeit there is a restriction on the number of statics and tourers currently allowed to be on that part of the site. Nonetheless given that this is for the extended family this would remain a potential option if additional touring caravans were required by the family.

24. It is clear that the development will represent an expansion of built form representing additional harm to the Green Belt, over and above the fact that the development is inappropriate and this must be weighed against any very special circumstances submitted by the applicant. In terms of the impact on openness, taking into account the previous appeal decisions and that this extended site is set against the existing site, it is considered this should be afforded moderate weight.

The effect of the development on the character and appearance of the area including the Colne Valley Park

25. In terms of the proposed expansion of the site, clearly it does not comply with the objectives of maintaining and enhancing Colne Valley Park. Nonetheless in context, the site is an expansion of the existing site and to a degree set against existing built form and it is acknowledged that there are opportunities to mitigate the harm.

Whether very special circumstances exist.

26. For the reasons given above, it is considered that there would be overall harm to the Green Belt and additional harm by reason of the adverse impact on the open and rural character of the area and introducing an urbanising form of development in the Green Belt. It is therefore necessary to consider whether there are any very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness, and the further harm identified in terms of openness.

Whether there is a need for additional gypsy and traveller sites in the area and, if so, whether the Council can identify a supply of sites to meet those needs.

27. Paragraph 9 of the PPTS identifies that local planning authorities (LPAs) should set pitch targets for gypsies and travellers, as defined in Annex 1, which address the likely need for permanent and transit accommodation in their area. In addition, in producing their Local Plans, paragraph 10 requires LPAs to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets.

28. In that context, policy CS14 of the Core Strategy is not up to date because the evidence base upon which it relies was the 2006 Gypsy and Traveller Accommodation Assessment (GTAA) for the Thames Valley region. The preamble to the policy notes that the evidence base did not include any assessment for gypsy and traveller pitches beyond 2016 and that further studies would be carried out as part of an emerging Development Plan Document (DPD) to assess the pitch requirement up to 2026. The wording of the policy itself notes that sites for gypsies and travellers will be allocated in a DPD but this has not been pursued. The Council is now intending to identify and allocate sites to meet the need for new pitches through the emerging Chiltern and South Bucks Local Plan.

29. The Chiltern and South Bucks District Council's Local Plan Regulation 18 consultation (incorporating issues and options) included options for meeting the needs of Travellers (paragraph 6.2 (a) to (g) as part of the consultation. The document was out for consultation from 19th January – 14th March 2016. Following on

from the above, the Green Belt Preferred Options consultation for the Chiltern and South Bucks Local Plan in October 2016, referred to potential opportunities for addressing the need for gypsy and traveller accommodation as part of four of its Preferred Green Belt Options sites. These were at Chesham, Beaconsfield, Iver and Little Chalfont (option site numbers 1, 9, 13 and 6 respectively). The above shows that there has been progress towards meeting needs for travellers as part of the new Local Plan, however it is correct to state that it will be 2 - 3 years before the Local Plan will be able to identify a five year supply of deliverable land for gypsy and traveller sites.

30. In April of this year (April 2019) the Council published its Gypsy and Traveller Accommodation Topic Paper to accompany the Chiltern and South Bucks Local Plan 2036. It sets out the results of the needs assessment for gypsies and travellers in the Local Plan area and the strategy for meeting needs. The needs assessment is entitled "The Aylesbury Vale, Chiltern, South Bucks and Wycombe District Councils' Gypsy Traveller and Travelling Showpeople Accommodation Assessment (Feb 2017)" the GTAA. The GTAA results for Chiltern and South Bucks show the composition of needs at the time of the relevant survey. The needs for the Local Plan area as a whole were shown to be of a high level of non-travelling households and households whose travelling habits were unknown. This can be subject to change as travelling habits will vary according to the personal circumstances of individual households. As a result it is appropriate for the Councils to have a strategy for gypsy and traveller accommodation which seeks to meet wider cultural need.

31 The findings of this Topic paper show that there is a potential supply of pitches equivalent to the total number of pitches needed for all types of need, namely 85 pitches. Within Chiltern area there is a need for 15 pitches in total. Importantly and specifically relevant to this application is that the Topic paper recognises that a very significant contribution towards meeting short term needs could result from (outstanding) planning applications of which this is one. The new Local Plan has a criteria-based policy (DM LP 9) which would apply to any planning applications for new pitches / sites for gypsies and travellers, however at the present time this would carry no weight.

32. At the meetings of the full Councils for Chiltern and South Bucks Districts on 14th and 15th May 2019 it was agreed that the Local Plan will be subject to pre-submission consultation starting on 7th June 2019. The papers for these meetings include the text of the Local Plan to be subject to consultation. Within it there are four site allocations which include provision for new pitches for gypsies and travellers. They are allocations at Chesham, Beaconsfield, Iver and Little Chalfont (site allocation numbers SP BP2, SP BP 9, SP BP11 and SP BP 6 respectively). Also there is a criteria-based policy for gypsy and traveller pitches – Policy DM LP9.

33. The above shows that there has been progress towards a strategy for meeting needs for travellers as part of the new Local Plan, however there is not currently a five year supply of deliverable land for gypsy and traveller sites and the Local Plan strategy for meeting needs still needs to be subject to the examination process.

34. The Local Plan examination in public will no doubt be the appropriate place for a public debate on those future needs and the strategy for meeting them and there will be the opportunity to present information in that respect, however ahead of that there can be no doubt that Chiltern and South Bucks both need to make provision of such sites and in this respect the additional number of pitches proposed as part of this application must carry some considerable weight in favour of this application and indeed a number of appeal decisions have given high weight to the lack of sites in balancing against the harm to the Green Belt by reason of inappropriateness and further harm to openness and indeed the recently published Topic Paper similarly supports this approach.

Personal circumstances

35. As set out under the relevant planning history section of this report, the adjacent land is currently occupied as a Gypsy Site comprising 6 pitches for the Delaney Family and has a chequered planning history with enforcement action having been taken when the family first moved onto the site in 2004 and planning permission was originally refused. However in recognition of changes in National Planning Policy Guidance at that time combined with the lack of sites available in Chiltern and the personal circumstances of the applicants in terms of the educational and health needs of the family, planning permission was initially granted in September 2007 for a temporary 5 year permission. As stated in the planning history, the Secretary of State concluded that the appeal was not in accordance with the development plan. The proposed gypsy site would be inappropriate development in the Green Belt, there would be additional harm to the openness of the Green Belt and there would be some effect on the landscape of the Colne Valley Park, although this would be of limited visual significance. The unmet need for gypsy sites, including those of the appellant's extended family, and their personal circumstances should carry substantial weight. However, there is reasonable prospect of alternative sites being allocated and becoming available in five years. A temporary permission for the Delaney Family would not undermine the development plan process, but would allow time for alternative sites to be identified through the development plan process. There are therefore very special circumstances which outweigh the harm to the Green Belt and other harm for a temporary period, but which do not justify a permanent permission.

36. In 2010 after the 5 year permission had lapsed a permanent planning permission was granted under application CH/2010/0192/FA (Appendix MR.01) again recognising the personal circumstances of the applicants and further that no sites had come forward in the development plan process.

37. The family have now been located in the area since 2004 as indicated, this site is for the fourth generation of the family and undoubtedly the family contribute to the need for accommodation to be found in the locality. The family's strong commitment to education of the children at local schools and health issues has previously been held to carry considerable weight in favour of the initial temporary permission and then permanent permission for the site. These circumstances remain unchanged, it is understood, with children of the extended family still continuing at local schools and equally from officers' visits to the site, it is clear that there is a need for further accommodation as the families grow.

Other considerations

Sustainability

38. The proposed development is a reasonably short distance from local community facilities, albeit that this would be along a road without a footpath, and therefore highly likely to encourage the use of a motor vehicle and not promote sustainable development. However it is an extension of an existing site and meeting the needs of existing family members and in this respect an objection on such grounds is not considered reasonable

Highway safety

39. The comments of Bucks County Council are noted in terms of the implications on highway safety and no objections are raised, but conditions are recommended.

Amenity of local residents

40. The extended site is some distance from local residential properties, located on the opposite side of the existing amenity building and as such it is not considered to impact on the amenity of nearby residential properties.

Planning Balance

41. The development amounts to inappropriate development that has resulted in a moderate degree of harm to the openness of the Green Belt. However in accordance with the NPPF, substantial weight must be given to any harm to the Green Belt. Inappropriate development should not be approved except in very special circumstances. Such circumstances will not exist unless the harm to the Green Belt by way of inappropriateness, and any other harm arising from the development, is clearly outweighed by other considerations.

42. At present the Council cannot demonstrate a supply of sites to meet the needs of gypsies and travellers and there has been a long standing policy failure in this respect, however the Council is actively seeking to address this within the new Chiltern and South Bucks Local Plan, nonetheless as indicated above, the recently published Topic Paper places great emphasis on sites coming forward through the planning application process, this application being one such site.

43. It is also relevant to note that any site coming forward would be through the release of land from the Green Belt under the new Local Plan for Chiltern and South Bucks or on existing sites the subject of planning applications – all being within the Green Belt. It is considered that the need for sites in this context should be afforded significant weight.

44. It is clear that the existing occupants of the adjacent site contribute to the need for additional accommodation in the area. The family have strong local ties and in previous appeal decisions the Inspectors have acknowledged this and this has weighed in favour of initially a temporary permission and then permanent permission.

Conclusions

45. A permanent gypsy site would clearly conflict with the aims of the Green Belt policy and will result in the further urbanisation of the site. However, as indicated above in terms of the overall impact of the extension of the site on openness this is only afforded moderate weight. When balancing the shortage of sites and the personal circumstances of the family it is considered that on this occasion there are sufficient reasons to overcome the harm by reason of inappropriate needs and further harm to the openness.

Working with the applicant

46. In accordance with 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.

47. 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

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

RECOMMENDATION:

PL/18/3194/FA

The Secretary of State be advised that had the applicant not appealed against non-determination the Council would have recommended approval of the application subject to the conditions as detailed below:

And

CH/2016/0310/FA

Planning permission be granted subject to conditions:

1. Time limit
2. No more than five caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than six shall be a static caravan or mobile home) shall be stationed on the site at any time. All caravans shall be capable of being towed on the public highway in accordance with the relevant highways act legislation without division into separate parts.
Reason: Having regard to the applicant's personal circumstances and to minimise the impact of the development on the visual amenity and rural character of the area having regard to the location of the site within the Green Belt and Colne Valley Park.
3. No commercial activities shall take place on the site, including the open storage of materials.
Reason: Having regard to the applicant's personal circumstances and to ensure that the development does not detract from the visual amenity and rural character of the area having regard to the location of the site within the Green Belt and Colne Valley Park.
4. No commercial vehicles in excess of 3.5 tonnes gross weight shall be stored or parked on site.
Reason: Having regard to the requirement of the CH/2010/0192/FA permission and to ensure that the use of this land as an extended gypsy and traveller site does not detract from the visual amenity and rural character of the area having regard to the location of the site within the Green Belt and Colne Valley Park.
5. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of landscape planting of known benefit to wildlife and provision of artificial roost features, including bird and bat boxes. the approved scheme shall be fully implemented thereafter prior to completion of the development.
Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy 24: Biodiversity 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.
6. No part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 151 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.
Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.
7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.

An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of landscaping for the southern boundary (at a scale of not less than 1:500) which shall include details of tree species to be planted and hedgerows along with indications of all existing trees and hedgerows on the land, with details of those to be retained, and those to be felled being clearly specified. The approved landscaping details shall be implemented in full thereafter prior to completion of the development.

Reason: In order to maintain, as far as possible, the character of the locality.

The End

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Local Authority List of Applications 14th February 2019

PL/18/4593/RC

Case Officer: Gary Murphy
 Date Received: 04.12.2018
 Parish: Amersham
 App Type: Regulation 3 - District Councils own dev
 Proposal: Demolition of existing buildings known as Chiltern Pools, Drake Hall, Chiltern Youth Centre and Amersham Library (excl. Annex and Barn Hall) and construction of a replacement two-storey (plus part-lower ground floor) leisure, sports and community building (Use Classes D1 and D2), including 25m swimming pool, diving pool, multipurpose sports hall, squash courts, climbing walls, spa, library, community hall, fitness and gym studios, nursery and dedicated external sports equipment including MUGA and play areas alongside associated external car parking, coach drop off, cycling provision, alterations to vehicular access and landscaping.
 Location: Site Of Chiltern Pools, Drake Hall, Community Centre, Amersham Library and Associated Car Parks and Part Of King George V Playing Fields
 Chiltern Avenue and King George V Road
 Amersham
 Buckinghamshire
 HP6 5AH
 Applicant: Chiltern District Council

SITE CONSTRAINTS

- Article 4 Direction
- Adjacent Conservation Areas
- Adjacent to Unclassified Road
- Adjacent Public Footpaths and Public Rights Of Way
- Community Assets/ CDC Owned Land
- North South Line
- Public footpath/bridleway
- Within 500m of Site of Importance for Nature Conservation NC1
- Tree Preservation Order Individual Trees
- Townscape Character
- Thames Groundwater Protection Zone GC9
- Adjoining Public Amenity Open Space
- Public Amenity Open Space

CALL IN

No Member call in received. Referred to Planning Committee as the proposal is on the Council's own land and the Council is the applicant.

It is a Major Application.

SITE LOCATION

The site area is 4.14 hectares and comprises a collection of existing buildings in D1/D2 use, namely Chiltern Pools, Drake Hall, Chiltern Youth Centre and Amersham Library. Immediately to the south of these buildings is an area of public open space, known as King George V Field, this is designated as open space in the Adopted Chiltern District Local Plan, together with a smaller area of public open space in the south-western corner of the site. There are a number of established trees located across the site, as well as children's play area, playground, outdoor multi-use games area (MUGA), outdoor gym, skate park, petanque courts, electricity sub-station and associated parking areas providing for 233 parking spaces. There are two existing vehicular site access points from Chiltern Avenue, and one from King George V Road.

For the avoidance of doubt the two locally listed buildings known as the Annexe and Barn Hall fall outside of the application site boundary and as such are not subject to any change as part of this application.

The site is located on the edge of Amersham-on-the-Hill shopping centre immediately adjacent to the Council Offices which are located on the opposite side of King George V Road with the Law Courts and Police Station. Further south of these, are the existing multi-storey car park and Amersham rail station. To the north of the site is an ambulance station. To the north-east, south-east, south-west and north-west are existing residential properties situated on Woodside Road, Hyrons Lane, King George V Road and Chiltern Avenue. Amersham-on-the-Hill shopping centre is approximately 400m north-west of the site. On the opposite side of King George V Road, south of the site are Chiltern District Council offices. The existing built form in the surrounding area displays a mix of different building types with two-storey residential and other non-residential buildings of three and four storeys.

No buildings within the site are statutory listed, and the site is not within a Conservation Area.

The site has good public transport accessibility due to its close proximity to Amersham on the Hill town centre, Amersham railway station and is well served by bus routes.

THE APPLICATION

The proposal involves the demolition of existing buildings known as Chiltern Pools, Drake Hall, Chiltern Youth Centre and Amersham Library (excl. Annex and Barn Hall) and the construction of a replacement two-storey (plus part-lower ground floor) leisure, sports and community building (Use Classes D1 and D2).

The four existing buildings on site being proposed for demolition total 4,570sqm, the largest of these being Chiltern Pools building which is 3050sqm.

In place of the demolished buildings it is proposed to provide a replacement two-storey (plus part lower ground floor) multi use leisure, sports and community building, incorporating 25m swimming pool, diving pool, multipurpose sports hall, squash courts, climbing walls, spa, library, community hall, fitness and gym studios, nursery and dedicated external sports equipment including MUGA and play areas alongside associated external car parking, coach drop off, cycling provision, alterations to vehicular access and landscaping.

The replacement building will be concentrated to the southern part of the site. This intentionally allows for the temporary retention of the existing Chiltern Pools, Drake Hall and Chiltern Youth Centre buildings during construction. Only the existing library building would not be retained during construction; this service may be relocated to Chiltern District Council (CDC) offices on an interim basis.

The table below illustrates what the proposed building will include by way of replacement facilities and new and enhanced facilities:

Existing On-Site Facilities	Proposed On-Site Facilities (approx. GIA)
Internal Sports Facilities	Internal Sports Facilities
25m x 6 lane swimming pool (150 spectator seats)	25m x 8 lane swimming pool (150 spectator seating) (2105sqm)
Teaching pool	Diving / learner pool (with movable floor)
Fun / splash pool	Splash children's pool
Gym (75 fitness stations)	Gym (875sqm) (160 fitness stations)
2 studios (Group exercise and Group cycle)	3 studios (535sqm) (Spin, yoga, dance)
Climbing wall	Climbing centre (incl. wall)
	Multi-sports hall (880sqm)
	Dry Dive facility (80sqm)
	2 x squash courts (180 sqm)
	Clip and climb / soft play facility (520sqm)
External Sports Facilities	External Sports Facilities
MUGA pitch	MUGA pitch (250sqm)
3 x Petanque pitches	3 x Petanque pitches (165sqm)
Skate Park	Skate Park (675sqm)
Children's play spaces	Children's play spaces (1075sqm)
Table Tennis	Table tennis
Outdoor gym	Outdoor gym (190sqm)
Street Snooker	Street Snooker (130 sqm)
Five-a-side Pitch	Replacement provision provided within new internal sports hall
Community Facilities	Community Facilities
Library	Library (300sqm)
Community Centre and Theatre	Community Centre and Theatre (600sqm) with 150-200 capacity
Youth Centre	Youth Centre (410sqm)
Nursery (facility for up to 32 children)	Nursery – 50 children (410sqm)
	Spa and Treatment Rooms (475sqm)
	Soft play space (520sqm)
	Cafe

The following elements would also be provided for:

- 221 replacement car parking spaces (incl. 12 accessible spaces, x 1 DDA electric charging point and x 10 standard electric charging points);
- 50 cycle parking spaces;
- 8 motorbike spaces and x 1 mini-bus parking bay
- Designated vehicle drop-off / pick up lay-by on site;

- Designated coach drop-off / pick up area;
- Refuse, servicing and delivery area;
- New landscaping and tree planting;
- Ecological enhancements;
- Water attenuation measures for improved surface water management and mitigation

The central street running through the building is considered to be a fundamental design element of the proposal and this is intended to support the use of the building as a 'co-location' space and encourage social interaction. The central street will be a fully enclosed double storey height space, with natural light, running the length of the building connecting front and back.

The new 8-lane swimming pool (which is supported by Sport England and Amersham Swimming Club) with spectator seating will provide additional lanes (8 in total), along with a new dedicated diving/training pool, splash pad and separate children's splash pool. This will be complemented by a dedicated dry dive facility elsewhere in the building. During times the diving pool is not in use it can double up as dedicated teaching pool. The pool areas are served by a changing village on the north eastern side of the ground floor.

Also at ground floor level the children's soft play area has been located next to the café, clip and climb area and the library. The community hall is adjacent to this, situated at the front of the building. At the rear of the ground floor is the spa facility.

The replacement community hall, with its own kitchen and meeting rooms has been intentionally located towards the front of the building, with a separate entrance lobby. This separate entrance is intended to provide greater flexibility of use, ensuring any evening performances can be undertaken without compromising security for the wider building. Locating this here also provides a more active frontage onto King George V Road and Chiltern Avenue.

At lower ground floor the multi-use sports hall represents a significant enhancement to the existing on-site facilities. Comprising four separate courts it will allow for a wide range of sports to be played throughout the year, such as badminton, basketball, netball, indoor football and gymnastics. The dry dive area, squash courts (x2) and climbing area are also at this level.

The new fitness suite and studios at first floor level will represent a much enhanced facility compared to the existing provision. A new, replacement nursery will be provided at first floor, served by two separate lifts for level access. This will be served by a dedicated covered outdoor play space, also at first floor level. The nursery will have capacity for up to 50 children.

Vehicle access will be retained via two accesses off Chiltern Avenue. The existing access on King George V Road will be closed, and reinstated as a footway.

Pedestrian access into the building will be via the main entrance, from Chiltern Avenue. An access is also proposed along King George V Road, which will allow access into the building where the soft play and spa facility are situated. This point of access will relate well internally to the main leisure reception area/desk.

Externally, and surrounding the building on the south eastern side, will be older children's play area, outdoor gym, street snooker, table tennis tables (x2) and skate park. Along the north western side will be petanque courts (x3), and MUGA. A dedicated junior play area is proposed to the front of the building.

Phasing details for the construction have been provided, these however are not final. The applicant has indicated that the final phasing programme would be the subject of a Construction Management Plan condition.

The proposed phasing programme is split into five phases and this allows for the existing leisure centre and pool building to remain open throughout construction, likewise the existing community centre, nursery and youth club buildings can remain in operation until the new centre is provided.

A Planning Statement and Design and Access Statement have been submitted to accompany the application and additional information provided in the form of technical reports and assessments.

Community engagement and public consultation:

Due regard has been had to the Localism Act 2011, the NPPF, as well as the Council's Statement of Community Involvement (SCI). The Council (as applicant) undertook public consultation over a two year period, between 2016 and 2018. The nature of this consultation is set out in detail in the submitted, Statement of Community Involvement (SCI). In summary the consultation undertaken included the following:-

- Nov/Dec, 2016 - public consultation exercise inviting local residents to give their views on providing a new multi-use replacement facility. Results obtained from over 2000 responses indicated overwhelming support, with 80% agreeing (or strongly agreeing) with the proposed development.
- Sept, 2017 - public consultation undertaken with regards to land ownership swap between the District Council and Amersham Town Council.
- Aug - Oct, 2018 - further public consultation, seeking the views of local residents and Chiltern Pools (and surrounding community facilities) users about the proposed redevelopment. Detailed plans of the proposal were presented via four separate public exhibitions.

It is submitted as part of the SCI that feedback comments received have been taken into account in the design of the development, with consideration also given to the constraints of the site. Local residents and stakeholders were also notified of the opportunity to formally comment following submission of the planning application in December 2018.

In addition to the above there has been a dedicated website since 2016, providing information and updates on the project. A number of surveys have been undertaken to allow qualitative data collection and meetings with a range of different stakeholders have taken place as part of the process.

Further information submitted in response to consultee comments:

Following the initial review of the application and the receipt of some consultation responses, further information was provided by the applicant. The following matters were clarified:

- Updated Arboricultural Report, Arboricultural Impact Assessment and tree survey plans, in response to Tree Officer comments;
- Highway Technical note submitted, dated 18 Jan 2019, in response to interim Bucks CC Highway comments;
- Policy/consultation response note provided by planning agent, dated 18 Jan 2019;
- Revised indicative landscaping details provided, with indicative treatment for building frontage along King George V Road, and Chiltern Avenue, and pedestrian route to the north of the building;
- Sustainable Drainage System (SuDS) strategy revised following feedback from SuDS officer. Updated SuDS response (31.01.19) confirming no objection, subject to conditions.

RELEVANT PLANNING HISTORY

- CH/2009/0154/FA: Insertion of two ground floor and two first floor windows within north west elevation of existing building. Conditional Permission.
- CH/2007/2009/FA: Extension of existing entrance ramp on north east elevation. Conditional Permission.
- CH/2006/0621/RC: Car park extension. Conditional Permission.
- CH/2000/1484/RC: Replacement of curtain walling on south east elevation to match glazing and cladding on adjacent wall. Conditional Permission.
- CH/1996/0065/RC: Increase height of roof over part of training pool to accommodate climbing wall. Conditional Permission.
- CH/1996/0066/RC: Construction of external flume on south elevation of swimming pool. Conditional Permission.
- CH/1993/0495/RC: Alterations and glazed entrance to health and fitness suite. Conditional Permission.
- CH/1990/1491/RC: Variation to condition 1(c) of planning permission 90/0933/CH to enable the hours of operation for the leisure pools to be extended to include 3.00 pm to 5.30 pm on Mondays to Fridays (including temp use of alternative car parking facilities at Dr. Challoners School). Temporary conditional permission
- CH/1989/2037/FA: Alterations, extensions to leisure centre to provide diving and leisure pools, meeting rooms, creche, bar, staff area and health & fitness suites. (variation to details permitted under planning permission 88/2091/CH). Conditional Permission
- CH/1984/1970/FA: The erection of four eight-metre high floodlights to serve an existing tennis court. Conditional Permission.
- CH/1980/1760/FA: 2 no. squash courts. Conditional Permission.
- CH/1988/2091/RC Alterations, extensions to leisure centre to provide diving and leisure pools, meeting rooms, bar, staff area and health and fitness suite. Conditional Permission.

TOWN COUNCIL

It has been confirmed they are in support of the proposal.

REPRESENTATIONS

No representations received from Members.

78 representations from have been received, which includes some where a contributor has submitted more than one representation, and/or where more than one representation has been received from the same address. 56 representations raise objection to the proposal. The grounds of objection are summarised below:

Impact on open space

- Loss of existing green space/amenity space
- Loss of green infrastructure

- Proposal will destroy existing green corridor
- Building will result in harmful visual impact from King George V open space
- Object to the land swap, and this is not a true land swap as there will be a net reduction in open space
- Loss and damage to trees, and more new trees are required to compensate
- The public consultation undertaken prior to submission was not clear on the amount of open space that would be lost
- Proposed building should be built on footprint of existing swimming pool building reducing impact on the existing open space
- Loss of open space contrary to policies R7 and R8
- Planning Policy officer consultation comments note that the loss of open space is contrary to policy, so why is this deemed to be acceptable?

Design / Impact on character and visual amenities of the area

- Building will lead to overshadowing of surrounding townscape
- Poor design
- Will be harmful to properties within adjoining Weller Estate Conservation Area as the proposal will impact on the view from these properties.
- Noise and light pollution for Woodside Road properties due to proposed locations of the MUGA and skate park
- Inappropriate choice of building materials
- Proposed building is too large. Where is the evidence that there is a need for such a large building?
- Building design/architecture is inappropriate and out of character
- Inappropriate location for a building of this size, it should be in an out of town location
- Building is imposing and lacks any cohesion with the surrounding area
- Building doesn't connect with Amersham-on-the-Hill town centre
- Detrimental to the character of Amersham-on-the-Hill
- Building is too high and bulky - upper floor should be stepped back
- Unacceptable view of building from Woodside Close
- Not in keeping with John Betjeman's view of Metroland and this building will dwarf adjacent housing
- Building sited too close to Chiltern Avenue and King George V Road
- Design should include a pitched roof fronting Chiltern Avenue
- Building is in the wrong place and breaks the view from Woodside Close
- Proposed 'internal street' does not line up with Woodside Close, so this doesn't work
- Plans should be scaled back and demolish and rebuild on the site of the existing facilities, even if this puts these uses out of action temporarily.

Impact on residential amenity

- Loss of privacy
- Light pollution
- Noise and disturbance from building and external facilities
- How will the skate park be managed to prevent anti-social behaviour from users
- No information around the construction programme and duration of the works
- Noise impact assessment does not consider the impact on north-east or eastern boundaries from displaced or re-located facilities
- Glazing will reflect light into surrounding residential properties, and such glazing should have reflective glass
- Harmful to existing neighbouring residential properties
- Location of air conditioning units/plant should not be harmful to neighbouring amenity
- Harmful to people's existing quality of life
- No details provided on opening hours for the proposed centre

Traffic, access and parking impacts

- Proposal will increase traffic, as well as HGV's during construction
- Will result in increased traffic and congestion along Woodside Close and Chiltern Avenue
- Insufficient parking provision on site
- The additional traffic and congestion will lead to increased pollution
- Where will building contractors park their vehicles, and where will the construction team be based?
- Insufficient parking provided for the community centre use
- Surface level parking is not appropriate, plans should include underground parking
- Need to reconsider pedestrian and cycle provision
- Parking surveys were undertaken during school holidays and therefore does not present an accurate picture.
- Poor disabled access
- Existing pedestrian desire lines across King George V open space will be impacted
- Inadequate coach parking provision
- The site layout should include 'exit' only and 'entry' only access points

Drainage and ecology

- Proposal will lead to drainage problems on King George V open space
- Drainage and groundwater assessment was conducted during a very dry summer and does not appear to represent typical or winter conditions.
- More consideration of ecological impacts required. Will increased hedging be proposed on the northern boundary?
- More planting required along north-eastern boundary to strengthen the landscape buffer

Need for the facility?

- No need for the proposed spa facility and small learner pool should be included as part of the plan
- It has not been demonstrated that there is demand for such an expansion in facilities

Facilities proposed

- Location of children's play area next to the car park is not acceptable and this is un-safe
- Children's play area should not be separate from other outdoor facilities
- Loss of existing water slides, which are a valuable recreational asset
- Locating the nursery at first floor is not appropriate
- Will there be an external 5-a-side pitch?
- The replacement community centre should cater for a greater range of user groups, and the kitchen facilities are not adequate
- There is no tennis court provision
- Lack of surveillance and supervision for play areas and outdoor facilities due to their location
- The lack of a young children's or teacher pool is a missed opportunity
- Not enough lifts to serve the first floor
- Proposed library is smaller than the existing
- Library should be on the first floor, with views across the open space
- Reduction in spectator seat numbers for swimming pool
- Climbing wall and café are poorly located

Public consultation

- More consultation with local residents required
- Critical of the pre-application consultation that the Council undertook with the community. Further consultation is required with the community to re-design the scheme
- Object to the timing of the application and the public consultation period falling over the Christmas period

- Further time should be given for the public to comment on the application and additional information submitted

Policy conflict

- There should be a requirement for an Impact Assessment despite what the Planning Policy Officer has said in their consultation response.
- Contrary to Local Plan policies R7 and R8
- Loss of green infrastructure is contrary to policy CS32
- The lack of an Impact Assessment is contrary to the NPPF

Other issues

- Contractor's compound is inadequately sized
- Not enough consideration for plant, delivery and waste vehicles during construction
- Contractor's compound and space required for construction could further erode King George V open space, this hasn't been properly thought out

Issues raised that are not material planning considerations

- Lack of clarity over what is proposed for the land currently occupied by the swimming pool, simply referring to this as 'future development site' is too vague
- Future development site is likely to impact on Woodside Road properties in a negative way
- Loss of value to nearby properties
- Question the claims made in the submission that the proposed development is financially viable at no cost to the tax payer
- It has come to light that a sum of money (£500,000) was taken from the Affordable Housing Reserve to be spent on feasibility studies for the 'future development site'. How can this be right?
- What security will be in place to prevent future illegal encampments by travellers?
- Cost of the development is excessive
- Removal of existing playground is a waste of money as this was only provided in 2015
- Building on open space contrary to existing land covenants

In addition, there have been 14 separate representations of support for the application, including support from Amersham Community Centre and Lindfield pre-school nursery. It should be noted one of the support letters received has not given an address. The reasons for support are summarised below:

- Will help modernise Amersham town centre and will be a wonderful facility for local families
- Welcome the improved facilities
- Will provide increased opportunities for people to engage in regular physical activity and sport
- Will be beneficial to users of Amersham Community Centre
- Welcome the replacement of existing outdated buildings
- Existing buildings are not fit for purpose and are in urgent need of replacement. Simply refurbishing them will not be sufficient
- Benefit to the local community
- Support the design and the range of facilities proposed
- Will provide additional jobs for the area
- Support the diving facilities
- One of the most exciting things to happen in Amersham in many years and will be positive for the area

A neutral comment has been received from the Chilterns Conservation Board, and a further neutral comment from a member of the public wanting to know if a replacement MUGA is being proposed.

CONSULTATIONS

Bucks County Council Strategic Access:

No objection.

Environment Agency:

No objection raised, some guidance and advice provided for the applicant to note.

Thames Water:

No objection.

Building Control:

Proposed works to comply with Approved Document M. No comments to make in relation to fire access.

Bucks County Council Archaeological Service:

No objection, but it is recommended that a further archaeological recording condition be secured.

Economic Development Team:

Support the proposal, it is expected this development will have a positive multiplier effect across the local economy.

Natural England:

Advised that they have no comments to make.

Affinity Water:

No objection.

Tree Officer:

Initial comments were provided on 21 December 2018, in response to these comments the applicant has subsequently submitted revised/updated information. This has been reviewed by the Tree Officer, and the following comments are provided:-

"Some revised tree information has now been submitted including an Arboricultural Report, an Arboricultural Impact assessment and a Tree Protection Plan.

The Arboricultural Report consists of a tree survey of the whole site but I note that a birch in front of the library between T1 birch and T4 horse chestnut has still been omitted, apparently because it was omitted on the original site survey.

The proposal involves the construction of a large building which would result in the loss of one Public Amenity Open Space in front of the library and the loss of a significant portion of another in the King George V Playing Field. The plans appear to require the loss of all the trees within the basic footprint of the building and the surrounding parking areas leaving only trees adjacent to the access road to the Chiltern Pools and within the remaining open parts of the King George V Playing Field. I note that a good young hornbeam T7 is now shown for retention and that much of the hedgerow adjacent to King George V Road is also now retained.

Many of the trees proposed for removal have been listed in Category B in the tree survey and generally any development proposal should be designed to retain these trees as far as possible.

Most of the trees proposed for removal were planted as landscaping around the existing Amersham Library. There are several useful amenity trees in front of the library including a lime, two horse chestnuts and three birches. The lime is a good mature tree and the three birches are good maturing trees but the two horse chestnuts have some health issues. Behind the library are a reasonable Scots pine and a cherry that is prominent but is beginning to show signs of ageing. Between the library and the community hall are two sycamores that have been cut back in the past but now have good shapes. Between the swimming pool and the car park are two sycamores and a maple in a line. These have been heavily cut back in the past to facilitate access to the climbing facility but are recovering and have some value as amenity trees. In addition several young trees planted as landscaping around the open air fitness equipment in the King George V Playing Field would be lost and so would the hedge between the playing field and the library.

The hedgerow and the trees along the King George V Road boundary of the King George V Playing Field are now largely retained. The important group of large oaks and beeches within the playing field would be quite close to the development but only a relatively small part of their root protection areas would be affected and this should not have a significant effect on the health of the trees. A line of five fairly poor cherries beside the existing access to the leisure centre along with the adjacent beech hedge are shown to be retained and so is the line of cherry trees along the boundary in front of the leisure centre building.

A revised Tree Protection Plan has now been submitted as part of the application and this now clearly shows the trees proposed for removal (apart from the omitted birch). It also shows appropriate tree protection fencing.

The application plans include landscape proposals that show the indicative planting of several native hedgerows and various trees but there is little detail on species and sizes. Nonetheless significant new planting would be appropriate to compensate for the proposed tree loss. I note that the Arboricultural Impact Assessment states in paragraph 3.16 that "Overall there will be a net gain of quality tree stock throughout the site as a result of the soft landscape proposals for the scheme". Whereas this may be true in terms of tree numbers, it would not be true in terms of foliage and photosynthetic effect, and it would be likely to be a number of years before any new planting compensates for the trees lost.

Overall the proposal would require the loss of open space and a number of good amenity trees. Normally the Council would seek to retain such trees and such loss would only be considered to be acceptable if there were significant planning benefits as a result of the proposal. Furthermore there should be a good landscaping scheme with suitable replacement tree and hedge planting".

Planning Policy Officer:

"The proposal involves building on part of the designated land of King George's Field and is thus in technical conflict with Local Plan policies R7 and R8. The NPPF states at Paragraph 97 that "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: [...] c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use." The NPPF post-dates the Local Plan policies and the current proposal falls within the scope of the exemption stated in the NPPF. This, together with the relatively small amount of King George's Field to be lost and the overall enhanced provision of community facilities on the site leads me to conclude that an objection on the grounds of conflict with R7 and R8 would be inappropriate. I therefore do not wish to raise a policy objection on the grounds of conflict with Local Plan Policies R7 or R8.

Core Strategy Policy CS28 aims to retain and improve leisure and recreational facilities. The proposal complies with this policy.

Core Strategy Policy CS32 relates to the identification, protection and enhancement of strategic green infrastructure assets within the District. The policy includes requirements for where development is deemed to sever existing assets but I consider that that does not apply in this case. I consider that the proposal is overall positive in terms of green infrastructure and does not conflict with this policy.

The site is just outside the Amersham on the Hill town centre boundary and as such falls to be considered as an edge of centre site.

The proposal falls within the definition of a Main Town Centre Use in the NPPF. Such uses are subject to a sequential test whereby main town centre uses should be located in town centres, then in edge of centre locations (paragraph 86). I can see no evidence that such a test has been undertaken in this case. Nevertheless, it is apparent that no suitably sized site is available within Amersham on the Hill town centre and so an edge of centre location such as this is acceptable in principle. Paragraph 87 of the NPPF says that, when considering edge of centre proposals, preference should be given to accessible sites which are well connected to the town centre. The application site is very well connected and well related to the town centre and I consider there is no policy conflict despite the lack of a sequential test being undertaken.

The NPPF paragraph 89 states that leisure development over 2,500 sqm (gross) outside a town centre should be subject to an impact assessment which would assess, inter alia, the likely impact on town centre investment, trade, vitality and viability. I can see no evidence that such an assessment has been undertaken in this case. Nevertheless, the proposal is to replace and enhance an existing leisure centre on the site that has an established catchment and trade draw, and it seems unlikely that a new facility would have any significant negative effects on town centres within its catchment. Indeed such an investment in a new facility close to Amersham on the Hill town centre appears likely to enhance perceptions of the centre and the town as a whole. I consider there is no policy conflict despite the lack of an impact assessment being undertaken".

Sport England:

"Consider that the proposal will significantly increase the sporting and recreational offer currently provided by the existing facilities. Advise that Swim England, Badminton England, England Netball and Table Tennis England support the facilities. Further clarification sought on the use of the small sided indoor football pitch. The proposal is considered to meet the objectives of the NPPF through protecting existing facilities by securing appropriate replacement provision as well as providing new facilities to meet additional demand generated by growth. The facilities are considered fit-for-purpose. This being the case, Sport England offers its support for this application".

Bucks County Council Sustainable Drainage:

The initial response dated 8 January 2019 raised an objection due to insufficient mitigation measures relating to surface water runoff and the proposal of deep borehole soakaways. In response the applicant's drainage consultant has prepared a technical note (dated 18 January 2019) seeking to address the grounds for objection and has been in subsequent discussions with the LLFA. Having reviewed the additional information submitted the LLFA confirmed in a response dated 31.01.19 that they remove their objection, subject to recommended conditions (which the applicant is agreeable to).

Bucks County Council Highways Officer:

"The existing community centre use benefits from on-site parking via three separate car parks, Chiltern Avenue and the Chiltern Pools car park, both accessed via Chiltern Avenue, and the Civic Centre car park, accessed via King George V Road. These car parks are pay and display car parks for the general public and provide 233 spaces in total currently. In addition to these car parks, the Council Offices car park on King George V Road is used as overflow parking for weekend use only.

The gross floor area (GFA) of the existing buildings currently measure 4,570sqm and is split across four separate buildings. The proposed development would provide a floor area of 9,989sqm, which is an increase of 5,419sqm on the site. A TRICS® (Trip Rate Information Computer System) analysis has been undertaken in order to determine the likely trip generation from the site once fully operational. Whilst I would agree that both the weekday and weekend surveys submitted are considered representative, I would point out that the weekend surveys submitted consist of one site from Greater London, which would not usually be acceptable given the higher levels of public transport in the London area. It is noted, however, that the TRICS® data for weekend use of Leisure Centres are very limited, and therefore in this case, having had further discussions with the applicant, the TRICS® data supplied by the applicant is deemed acceptable in this instance.

It should be noted that not all of the additional floorspace would be expected to generate vehicular movements in their own right, such as storage rooms, offices and changing rooms, and this has been taken into account when applying the TRICS® data. The TRICS® data shown demonstrates that the additional 3,093sqm Leisure Use Class would have the potential to generate an additional 25 movements (14 arriving, 11 departing) in the AM weekday peak, an additional 70 movements (36 arriving, 34 leaving) in the PM weekday peak, and an overall total of 588 additional vehicular movements across the weekday in total. On a weekend, the development would be expected to generate in the region of 916 vehicular movements (two-way) per day in total. As previously stated, I consider that the TRICS® data submitted is adequate in this instance, as discussed during the pre-application phase.

Week long ATC (Automated Traffic Count) surveys were also undertaken along the three principal roads around the site. These surveys were undertaken on Chiltern Avenue and King George V Road between the 16th July - 22nd July 2018, whilst an ATC survey on Woodside Road was undertaken between the 22nd July and the 28th July 2018. These surveys were undertaken within school term time, with a parking survey undertaken on Chiltern Avenue in September also recording similar traffic figures. I am therefore satisfied that the ATC surveys undertaken are robust and can be relied upon.

Classified turning counts of the junctions in the vicinity of the site have also been undertaken, with traffic re-distributed in order to take the closure of the car park on King George V Road into consideration. The data has been up-lifted using TEMPRO® in order to account for local growth in the area, with the TRICS® data included so as to predict the level of impact on the access point and roads in the vicinity of the site at the year of opening. From the data submitted, I do not consider that the impact on both the site accesses and the junctions in the vicinity of the site would have an unacceptable impact on highway safety and convenience.

Parking surveys of the existing four car parks in the vicinity of the site (Chiltern Pools, Chiltern Avenue, Civic Centre, and Council Offices) have been undertaken, which show that currently, the car parks associated with the Chiltern Centre have spare capacity both on weekends and weekdays, with the peak period coinciding on a Thursday at 11:00am, where 82% of the existing 233 spaces were occupied. The survey undertaken at the Council Offices car park showed that spaces are often at or close to capacity on weekdays, with a peak car occupancy of 103% at 10:00am on Friday. It should be noted however, that this car park is not available to visitors to the Chiltern Leisure Centre during the working day of the District Council offices.

In addition to this, I am aware that during the construction period of the nearby Multi-Storey car park, that 147 long-stay commuter parking permits were reallocated to five other car parks in Amersham (Chiltern Pools, Chiltern Avenue, Civic Centre, Sycamore Road and the Boot and Slipper). Given that the car parks currently serving the leisure centre are in closer proximity to the railway station than Sycamore Road or the Boot and Slipper, it is reasonable to assume that the majority of vehicles displaced as a result of the construction period would be parking in this location.

In terms of site layout, I note that within the site, 221 car parking spaces are proposed, consisting of 11 standard electric charging points, 12 accessible spaces (1 electric), 12 grass-crete spaces and 187 standard parking spaces. In addition to this, the site will accommodate a 15m drop-off layby for cars and taxis, 8 motorcycle spaces, 1 minibus parking space has been shown within the service yard. This location of this space is not considered acceptable, due to refuse and storage of material associated with the operation of the centre that may cause a hazard to pedestrians accessing vehicles. Therefore the Highway Authority requires space to be provided within the car park for minibuses, this should be managed through a Parking Management Plan, as set out in condition 4 below. The Local Planning Authority may wish to comment on this further. There are 50 cycle parking spaces and a delivery and servicing loading area. From the submitted site plan, I note that all car parking spaces measure 2.5m x 5m, with all accessible spaces benefitting from a 1.2m strip across the rear and one side. Whilst I trust that the Local Planning Authority will consider the adequacy of the parking provision, I can confirm that the standard spaces are of adequate dimensions to allow for vehicles to park within the site.

Within the site, I note that pedestrian footways measuring 3m in width have been provided, which I can confirm are of an appropriate width to serve the site. However, I would have some concerns with the pedestrian access points from Chiltern Avenue being step accesses, and would therefore be unsuitable for use by wheelchair/disabled users. I would request that step-free access is provided, or a ramped access shown so as to allow the site to be accessed by all users. Further to this, I note that a pedestrian footway is provided adjacent to the service yard, with chemical storage and waste collection being provided from this area. The Highway Authority would require this area to be fenced off and gated in order to prevent members of the public from entering this area.

In terms of coach parking, I note that a space has been provided on King George V Road; however Buckinghamshire County Councils Parking Services manager does not consider this to be appropriate in this location, as they do not consider the limitation of a single vehicle type to be an appropriate use of public highway kerb side space. In addition to this, the placement of large vehicles in this location, albeit temporarily, would limit visibility for vehicles both entering King George V Road and egressing from existing spaces, and would limit access into the council offices service/delivery area opposite. An alternative coach parking area has been provided to the north of the building, which would also be used for refuse collection and deliveries. Swept-path analyses have been submitted of a 12m coach vehicle, which confirm that these vehicles are able to manoeuvre through the site acceptably, however as previously stated, this would be in an undesirable location for children to disembark from the vehicle. Parking of coaches within the site should therefore be managed through Parking Management Plan, with bays taken out of service at times when planned coaches are expected to allow for coach parking off the highway. I would request that all deliveries and refuse collection vehicles should enter and exit the site via the northern access point.

The site is in a sustainable location only a short walking distance from the railway station and Amersham town centre. The application proposes 50 cycle parking spaces, which I acknowledge is double the amount required by Buckinghamshire County Council's Parking Guidance document. I am confident that this level of cycle parking provision is appropriate; however the Sheffield Stands provided for cycle parking are neither lit, nor covered, which could deter visitors to the site from using this method of transport to and from the site. I would request that these cycle spaces are revised to provide a cover and a lighting source.

The Highway Authority has concerns that during construction there will be a loss of parking available at the site, which will have a detrimental impact on the surrounding area, given that it has been demonstrated there is an existing capacity strain on parking in the area. In view of this, it is expected that the applicant makes adequate provisions to minimise disruption during the construction phase. As part of the CMP, the applicant would need to provide details of phasing, including timescales for each phase. This should include details of, where possible, how the maximum amount of car parking will remain undisrupted, and where a loss of

parking cannot be avoided, an indication of any potential alternative locations where parking may take place. Details should also be submitted of public notices to be displayed in advance of works to make users of the car park aware there will be a loss of parking.

It will also be required that a swept path analysis of a construction vehicle entering, manoeuvring and exiting the site is provided for each phase of the construction".

Mindful of the above, the Highway Authority raises no objection to the proposals, subject to recommended conditions.

Council's Ecology Consultant:

No objection raised, subject to securing conditions relating to a scheme of ecological enhancements, external lighting and a Construction Environmental Management Plan.

District Strategic Environment Teams (Air & Land Quality, Major Development, Sustainability, Carbon Reduction, Radioactivity) and (Environmental Health, Sustainability and Resilience):

No objection, subject to recommended conditions.

District Historic Buildings and Conservation Officer:

No objection raised.

District Landscape Officer:

"The proposals are generally acceptable. However further details are required about the proposed planting (on a detailed planting plan) about tree, hedge and shrub plant species, numbers and locations on the site.

The loss of some of the open space will be regrettable. This space is currently used by many people for informal activities, and those activities might be affected by the reduced space. The wildflower meadow areas are a good idea but has thought been given to the potential implication of these on user groups on the site, and on-going maintenance?"

District Estates Team:

The response is summarised as follows:-

The proposals will improve the urban landscape, currently occupied by a collection of ageing 1960's buildings, which are beyond their economic life.

Proposed building will reduce the Council's carbon footprint.

Facilities will encourage social interaction, learning and support the leisure needs of the community.

The range of facilities proposed offers a strategic approach to delivering services across the public, private and community sector to the benefit of Chiltern residents.

Will allow for the consolidation of car parking on site, enabling the increased provision of disabled parking, electric charge points and opportunities for cycle and disabled vehicle parking.

As a new asset with a 60+year life the building will reduce the Council repair and maintenance liabilities but also create the opportunity to add value to the Councils Corporate assets. As a facility that will be delivered at no increase to the council tax payer this presents a very strong case for redevelopment.

This will have a positive impact on the local economy. Public consultations undertaken show a high proportion of support in favour of the proposal.

For these reasons the application is supported.

Thames Valley Police (TVP) Architectural Liaison Officer:

No objection has been raised. A condition is recommended requiring approval of a security strategy, including CCTV provision, once an operator has been appointed for the facility.

POLICIES

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

National Planning Policy Guidance (NPPG)

Core Strategy for Chiltern District - Adopted November 2011: Policies CS1, CS4, CS5, CS20, CS24, CS25, CS26, CS28, CS29, CS30 and CS32

Chiltern District Local Plan - Adopted September 1997, Consolidated September 2007 and November 2011: Saved Policies GC1, GC3, GC4, GC7, GC9, GC14, TR2, TR3, TR11, TR14, TR15, R2, R3, R7, R8, CSF1, CSF2, and CA2.

Sustainable Construction and Renewable Energy Supplementary Planning Document (SPD) (2015)

EVALUATION

Principle of development

1.1 The NPPF contains the most up to date national planning policy. There is a presumption in favour of sustainable development; the overarching objectives to achieving sustainable development are; (i) an economic objective, (ii) a social objective, and (iii) an environmental objective.

1.2 The site is located within the built up part of Amersham-on-the-Hill that is outside of the shopping centre boundary, and comprises a local authority owned site which currently accommodates a range of existing D1/D2 use buildings, external sports and leisure facilities and public open space. With the exception of the loss of some public open space as addressed in section 3 of this report, the proposed redevelopment providing enhanced D1/D2 facilities is considered acceptable in principle.

1.3 Paragraph 91 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places. These should help to promote social interaction, provide safe and accessible places, and enable and support healthy lifestyles. The proposed development would help to improve people's health and well-being through the provision of new and enhanced sports facilities.

1.4 Paragraph 92 of the NPPF supports the provision of social, recreational and cultural facilities the community needs. Planning policies and decisions should plan positively for the use of shared spaces and community facilities, and guard against the unnecessary loss of valued facilities and services. The proposed replacement facility will include uses and services that support the aims of the NPPF in this regard (i.e. through provision of replacement library and community hall and a building that supports co-location).

1.5 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. The NPPF (paragraph 97) states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) An assessment has been undertaken which clearly shows the open space, buildings or land to be surplus to requirements; or
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

1.6 Equally Local Plan policies R7 and R8, whilst pre-dating the NPPF do not support the change of use of designated public open space other than in specific circumstances which do not apply in this case, nonetheless as discussed in section 3 below, there are considered to be benefits to this scheme which mitigate the loss of the open space. Additionally, NPPF exception tests do allow for development on existing open space under certain circumstances.

1.7 Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. All developments that will generate significant amounts of movement should be supported by a Travel Plan, and a Transport Assessment so that the likely impacts of the proposal can be assessed (NPPF, paragraph 109).

1.8 Paragraphs 117 and 121 of the NPPF promote more effective use of land and existing sites that provide community services, provided this maintains or improves the quality of service provision and access to open space.

1.9 Policy CS1 of the Core Strategy - the spatial strategy - focuses development to the main settlements, specifically referring to Amersham-on-the-Hill, with limited development able to take place in other smaller settlements excluded from the Green Belt. The Policy aims to protect the AONB and Green Belt by concentrating development within the existing settlement areas.

1.10 Policy CS3 refers to distribution of new leisure, community and health facilities, stating these should largely be in the four main centres for growth, of which Amersham-on-the-Hill is one.

1.11 Policy CS4 seeks to ensure that all new development has appropriate regard to sustainable development principles. This includes making use of sites that are easily accessible by public transport, walking and cycling, and making effective use of previously developed land.

1.12 Policy CS28 seeks to protect the loss of existing public leisure and recreational facilities. Where a need for improvements or new facilities is identified the Council will work with partners to find ways of delivering these improvements. New development must provide for the recreational needs of the new communities including public open space and play areas. This application is consistent with this approach.

1.13 Policy CS29 seeks to retain existing community facilities and to provide additional facilities to meet future needs. Also the policy states that community facilities should be located close to existing community infrastructure and frequent and reliable transport infrastructure. Again this application is on the site of existing facilities, there is no material change of use.

1.14 The Council undertook a comprehensive feasibility study (Leisure Needs Assessment - April 2016) to understand the current leisure needs of the District and consider future opportunities to provide new facilities, to help meet predicted growth and which would assist the local authority in encouraging future health benefits for the District's population. The report made a number of recommendations aimed at increasing current activity. There was evidence to suggest a shortfall in multi-activity spaces in the Amersham area. The

current condition and quality of the Chiltern Pools building was considered to be making it increasingly difficult for a good quality sports offer to be provided. The replacement of this ageing facility was identified as a priority for the Amersham area. It was identified that there is a large and increasing demand for health and fitness facilities, and a need for new investment in sports facilities to accommodate greater community access and participation. Following the results of this assessment the Council developed plans for the replacement of the existing leisure and community facilities on-site to provide one multi-purpose facility. This approach was also subject to public consultation between 2016 and 2018 with the local and wider community, as well as stakeholders (refer to Community Engagement section below).

1.15 Emerging Local Plan evidence base document Open Space Strategy (2018) identifies that Amersham currently has (and will in the future) a surplus of amenity grassland and natural and semi-natural greenspace. It also identifies a deficit in the provision of facilities for children and young people. This represents an up-to-date' assessment of need.

Suitability of location:

1.16 The site is outside of Amersham-on-the-Hill town centre, but is considered an edge of centre site. NPPF would direct a main town centre use such as this to a town centre location in the first instance, and if proposed in locations outside of a town centre should be subject to a sequential test. Planning policy officers questioned if any such exercise had been undertaken, and the applicant has since clarified this further. It has been confirmed that the Council considered the suitability of this site and a number of alternative sites nearby. This included; the application site, the site currently occupied by Council offices, the Police Station and Health Centre and Bury Farm (Gore Hill), as well as a number and range of other potential sites around Amersham. Other potential development sites were identified as being unsuitable for a number of reasons, such as being outside of town centre, poor accessibility, land designated for other purposes and coming forward as part of alternative development proposals, or currently being occupied. The application site was concluded to represent the most appropriate, and deliverable option. Two of the identified sites within the preferred town centre location (East Building Supplies and Amersham Royal Mail Delivery Office sites) are too small. The application site also benefits from historical established use for leisure, sport, recreation and community facilities and the proposal would give rise to replacement and upgraded facilities.

1.17 Taking into account the proposed increase in the size of the facility and expansion of facilities on site it is reasonable to expect an uplift in visitor numbers. No impact assessment has been undertaken to assess likely impact on the existing town centre. Notwithstanding this, Policy officers do not consider that one is necessary, on the basis this would replace and enhance existing facilities that serve an established catchment. In fact a new facility such as this could positively benefit the town centre as uplift in visitors could translate to increased footfall within the town centre, which is only a short walk away.

1.18 In summary, the site is currently in D1/D2 uses, therefore, the principle of these uses is already established, with the need for new sports and leisure facilities in the Amersham area identified in the aforementioned feasibility exercise, in 2016. Part of the site is designated as public open space, and whilst there will be a net reduction in public open space the proposed development will provide replacement modern sports, leisure and community facilities and represents a significant enhancement in provision, in accordance with paragraph 97 of the NPPF. Therefore the principle of the proposed development is considered to be acceptable when balanced against all relevant material considerations. It is advanced that the development, by virtue of its location and multi-purpose use, would also provide additional local economic benefits to support the role of the nearby town centre. The facility is in a sustainable location, and makes effective use of previously developed land, in accordance with the NPPF. National planning policy, the Adopted Core Strategy and Adopted Local Plan supports the proposed development.

Public open space

2.1 Local Plan policies R7 and R8 do not support the change of use of designated public open space and also development that would detract from its existing character and appearance. The NPPF which is more up-to-date than the Local Plan protects existing open space from development, unless certain exception tests are met. The proposal does involve building on part of the existing public open space. There are two parcels of open space on the site, and the proposal would result in the loss of the smaller parcel which is in the south-western corner of the site, abutting King George V Road (i.e. the landscaped area in front of the existing library). There would also be partial loss of the larger parcel of public open space, known as King George V Field, that is to the rear of the proposed building. This space offers a wide range of recreational uses and is an important area of open space for the Amersham area. Approximately 342 sqm of open space will be lost at the front of the site, and 4,106 sqm from King George V Field. A significant proportion of the proposed building footprint will be situated where there are existing hard standing structures and outdoor facilities (i.e. skate park, MUGA and children's play area). So, the loss of existing areas of undeveloped, open space is far less when this is taken into account. The replacement and enhanced external facilities will result in some additional encroachment into the open space, beyond the building footprint.

2.2 The proposed siting of the replacement building, coupled with the proposed footprint result in the loss of land designated as public open space. The rationale for the proposed location of the replacement building is to allow for the construction of this facility whilst ensuring the continued operation of the existing sports, leisure and community buildings on site. This approach will only result in the temporary loss of the library service, which will then be re-provided within the replacement building, therefore minimising the impacts on existing service provision during the construction period.

2.3 Due consideration has been given to the objections received on the grounds of loss of existing open space, these have been balanced against the wider planning merits of the proposal. It is noted in paragraph 97 of the NPPF that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless one of the exception tests have been met; these are, a) an assessment has shown the space to be surplus to requirements, or, b), the loss resulting from the development would provide for a better quality and quantity of provision, or c), the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use, have been met. Officers consider that in this instance the loss of existing sports and recreational buildings, and the partial loss of existing open space resulting from the development would be replaced by significantly better sports and play provision in terms of quantity and quality, in a suitable location, and that the proposed development is for alternative sports and recreation provision, the benefits of which clearly outweigh the partial loss of public open space. The 2018 NPPF post-dates Local Plan policies R7 and R8, and it is considered, on balance, that the proposal does satisfy NPPF exception tests b) and c). The open space loss will have a degree of harm, but this is outweighed by significant benefits in terms of enhanced replacement provision, and is therefore found to be in accordance with paragraph 97 of the NPPF.

2.4 The reduction in existing open space is justified for the reasons set out above, therefore satisfying the exception tests set out in the NPPF. Additionally, there are practical reasons that further justify the loss. For example, the proposed location of the building and loss of an area designated as open space is to prevent the temporary closure of facilities on site (save for the library) during the construction phase, therefore ensuring continuity of these well used facilities and minimising impacts on the local community during construction. The replacement facility will also replace out-dated facilities with modern and much enhanced facilities that will allow for increased accessibility and participation in a range of activities.

2.5 The proposed development would see a proportion of King George V open space built on. Amersham Town Council has agreed to the release of a small portion of land, in return Chiltern District Council has agreed to the transfer of the ownership of the green at Woodside Close to Amersham Town Council. The

green at Woodside Close would be protected through Fields in Trust organisation. This land swap has been raised in a large proportion of the objections received, however this is a matter that relates to land ownership and is not held to be a material planning consideration. As discussed above, on balance it is considered the loss of open space is justified on planning grounds.

Design and appearance / Impact on character of the area

3.1 The proposed building would represent a significant change in the street scene from the existing collection of buildings currently provided on this site. It is fair to say that the existing buildings (with the exception of the Annex and Barn, which are both being retained) are ageing, are very much of their time and do not contribute positively to the streetscene or character of the area. The replacement built form will be modern in appearance and bought closer to both Chiltern Avenue and King George V Road (with associated landscaping provided). It will be concentrated to the south western part of the site which is a notable difference, and it will be greater than the existing in terms of footprint, mass and scale, which is due to the range of operational requirements and uses needing to be accommodated within the multi-use building. To set it in the context of the street scene, the adjacent development to the south west of the application site (on the opposite side of King George V Road) comprises a three-storey building occupied by Chiltern District Council, and the proposed building is of a comparable height and scale to this. As such, it is considered that this will not appear incongruous in scale with the existing built form along the south western side of Chiltern Avenue. The character along the south western side of Chiltern Avenue is materially different to the north western side, which is residential in character.

3.2 The design of the scheme follows pre-application consultation, including a Commission for Architecture and the Built Environment (CABE) design review having been undertaken with the applicant in September 2018. In summary, CABE were supportive of the principle, and considered that this facility will help improve the health and wellbeing of people in Amersham and beyond. The site was noted as being in an accessible sustainable location, which it was considered would support the vitality of the town centre. CABE's position in relation to more detailed design elements of the proposal is summarised below:-

- Height, massing and the level of development proposed were considered appropriate for the site.
- The design of the building was considered to be promising, but it was felt that more could be done to integrate the building with its surroundings.
- The building should be more outward looking.
- More could be done to emphasise the building entrances and greater variation to the roof profile should be considered.
- The building and landscape could have a more defined character and identity and further thought should be given to how the centre could relate to its surrounding context.
- Need to create safe, welcoming movement routes within and beyond the site to improve connectivity.
- Considered the site layout to be car park dominated - planting and landscaping should be used to reduce dominance.
- Highlighted a conflict with the location of the junior play area.
- More work required to refine the elevations and more thought given to the scale of each proposed material.
- Further consideration of the sustainability strategy required, including exploring the feasibility of sustainable technologies.

3.3 In response to the CABE feedback the building design and landscaping were evolved. This resulted in the following changes:-

- Variation of the roof profile introduced.

- Additional openings were added to the building, this allows views into and out of the building to areas such as the clip and climb, and soft play.
- Revisited the external materials palette, resulting in changes to the sports hall cladding and choice of brick.
- Use of additional landscaping to reinforce pedestrian routes.
- More emphasis given to the secondary entrance.
- More glazing added and planting carried through inside the building to the internal street, this is to provide a stronger connection between building and landscaping.
- Provision of electric vehicle charging points, and additional cycle parking to provide greater sustainable transport options.
- Introduction of air sourced heat pumps, a more efficient heating and ventilation system (PV panels for the sports hall roof are also being explored to see if feasible)

3.4 It is unfortunate that the building has not been designed to be even more outward looking, it is felt that the facades to the sports hall would benefit from more articulation and interest. On balance however, the redesign of the building has added interest and generally addresses the points raised. Comments received more recently from the Council's Urban Design consultant indicated how the external landscaping could be enhanced, which would positively contribute to the public realm, these changes are discussed further below in section 6.

3.5 In terms of car parking, the CABE suggestion that car parking be reduced is not considered to be appropriate for a development of this nature, therefore this has not been pursued with the applicant. Car parking provision is discussed further below in section 8.

3.6 The NPPF attaches the government's importance to the design of the built environment. Good design is seen as a key aspect of sustainable development and good design creates better places in which to live and work. Local authorities should seek to secure high quality design and it should contribute positively to making places better for people.

3.7 Policy CS20 refers to design of new development and requires that it should reflect the local character and surrounding area. The existing non-residential buildings on the site and in the surrounding area vary in their character and appearance and were developed in an ad-hoc fashion. The existing buildings on site (to be demolished) date from the 1960's and 1970's, and these are flat roof buildings that are either finished in brick, concrete or cladding. They are considered to have little architectural merit. To the south west of the site is the Council office building, a three-storey brick building with pitched roof. Adjacent to this are the existing Law Courts, Police Station and Health Centre buildings, these are similar in appearance and scale to the Council offices. Further south-west along Chiltern Avenue is the multi-storey car park building (recently extended). This is a prominent structure in Amersham-on-the-Hill, and is comprised of a brick construction with 'grilled' openings, with part of the upper floor being 'enclosed' by a corrugated sheet roof, and the recently opened multi-storey car park extension is constructed in cladding, with similar 'grilled' openings. Beyond this is a modern 3-storey office building constructed in glass and brick. Opposite and adjoining the site on two sides are two-storey dwellings. These are a mixture of brick or render finished, and the use of flint as a building material (primarily for aesthetic reasons) is prevalent in the surrounding area.

3.8 The submitted Design and Access Statement (DAS) sets out the design rationale, having had regard to the local context. Plans demonstrate that the proposed building height will be commensurate with the height of the roof of the Council office building opposite. Consequently, it is not considered that a two-storey building of this mass and bulk would, in principle, appear out of place in this location, a position also supported by CABE. As referred to above there are comparisons in terms of height and massing along Chiltern Avenue due to the nature of the existing non-residential buildings. The scale and massing of the proposed

building is broken down in any event through variation in height, materials and roof forms, which help make the building appear as a series of connecting elements rather than a single mass.

3.9 The proposed materials palette is described in detail in the submitted DAS, and is partly influenced by a desire to reflect the local character in terms of building materials, textures and tones. As referred to above flint dressing is commonly used in the surrounding area. To reflect this influence a multi-mix grey brick is proposed to be used for much of the ground floor parts of the building. Rimex cladding panels are proposed in bronze colour tones, these are to relate to the colour tones of surrounding brick buildings, and this will feature on all elevations, with particular prominence along the south-west (rear section) and south-east elevations. Vertical wood cladding (western red cedar) will be used to the forward projecting two-storey element fronting Chiltern Avenue, which is where the community functions of the building are accommodated, and this also wraps around the corner of the building. This provides a softer, more natural material and will help to identify the community function element of the building. Within the timber cladding the lettering for the centre name will be etched. The sports hall section of the building has proven to be the most challenging in terms of design, articulation and use of materials, as its internal function largely dictates its physical form. Having explored a number of options for the sports hall it is proposed to reflect the local vernacular found on the locally listed Annexe and Barn buildings, and picking up on the fact these buildings are treated in dark (black) timber a dark grey metal cladding is proposed for the sports hall, with a lighter grey brick used at the lower level. There are no openings to the sports hall element, though the use of glazing on other elements of the building has been maximised given the need for natural light into the building, and the need to provide visual permeability into and out of the building. The glazed sections of the building define the swimming pool, giving this a strong presence along the frontage (seen along Chiltern Avenue), and will define the main entrance, and community hall. Along the south-west elevation a large central glazed section serves the soft play area and void above this, which helps add visual interest and breaks up the façade along King George V Road. The smaller glazed openings along this elevation serve the spa at ground floor, and fitness suite at first floor. The south-east elevation, facing towards King George V Field incorporates ground and first floor glazing to the spa and fitness suite elements, and a central double height glazed section serves the climbing area and the internal central street, which helps to connect the internal space with the external landscape. The amount of glazing to this façade will maximise views across the open space, help provide a level of natural surveillance and help to add visual interest to the elevation, which will be prominent when viewed from the adjacent open space. It is considered unfortunate that the sports hall element cannot be broken up in a similar way, however it is understood that there are practical reasons why this cannot be done. The use of the multi-purpose sports hall does not lend itself to having areas of glazing from a practical point of view and use of glazing also presents internal lighting issues and glare for participants. Furthermore, the use of glazing in sports hall buildings goes against best practice guidance published by Sport England.

3.10 Notwithstanding detail of materials included as part of the DAS, in order to ensure the final quality of external materials is appropriate and delivers a high quality building a condition is recommended requiring the submission and approval of materials.

3.11 The proposed building due to its height, scale and massing would have some impact on the locality, and, whilst representing a significant change from the existing situation, on balance it is considered that this would not appear unacceptably obtrusive. It would be of modern design; but it has been demonstrated that the choice of materials has had regard to local context, and the nature of the use does constrain to a degree how the elevations can be treated. Integration of the building with the landscaping will help to ground the building, so that it responds to its wider setting. Overall it is considered the proposed replacement building would be an improvement on the existing collection of buildings to be demolished, these are of no architectural merit and do not contribute positively to the character of the area. The impacts of the proposed building would not be unduly harmful to the character of the area, and any harm would be outweighed by the

tangible public benefits the proposed facility will deliver, and these public benefits should be given significant weight when weighing up the planning merits.

Heritage impact and Archaeology

4.1 Paragraph 189 of the NPPF states that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, and should assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset).

4.2 Local Plan policy CA2 requires new development to preserve or enhance important views, looking into, or out of a Conservation Area.

4.3 The application site is not within a designated Conservation Area, nor does it include any listed buildings on the site, or in close proximity. The two existing locally listed buildings within the north western corner of the site area non-designated heritage assets, and these are remaining remnants of the former Woodside Farm. Both buildings are outside of the redline application site boundary and are being retained.

4.4 Retention of the existing heritage assets was an important point of feedback that came out of early consultation, so this has been a key consideration and the scheme has been designed in order to achieve their retention. The current setting of these buildings is provided in the form of the surface level car park, and the collection of existing 1960's and 1970's buildings. There is no existing landscaped setting for them. The proposed scheme has considered the setting of these buildings, and this is reflected through the proposed materials palette. The use of materials that are red/bronze/orange in tone would pick up on the historic brick type and clay roof elements. Additionally, the black timber that exists on these buildings is interpreted in a modern way, through the use of the dark grey cladding on the sports hall. The proposed western red cedar timber on elements of the replacement building will also tie in with these historic buildings. The landscape setting for these buildings would also be noticeably improved.

4.5 The southern boundary of the Weller Estate Conservation Area does adjoin the north eastern boundary of the site, and this comprises of 1930's two-storey residential development on Woodside Road and beyond. The proposed replacement building would be visible from within the Conservation Area with vantage points coming from residential properties backing onto the site. It is noteworthy that the proposal would position the replacement building further away from the Conservation Area's southern boundary when compared to the existing buildings. Given the degree of increased separation to be provided, the re-concentration of building mass further away from the Conservation Area, the limited views into and out of the Conservation Area, the residential character of the Conservation Area and the fact that the proposed building would relate to the existing concentration of civic buildings (i.e. Council offices, Police Station, multi-storey car park) situated fronting on to Chiltern Avenue, it is considered that the Weller Estate Conservation Area would be subject to less than substantial harm and there would be significant public benefit achieved through this proposal.

Archaeology:

4.6 Notwithstanding that the site is not located within a known area of archaeological importance, the application is supported by a Historical Environment Assessment, and Written Scheme of Investigation. Due to some uncertainty about the degree of archaeological potential on the site owing to the lack of previous archaeological investigations the report considered it likely that further investigation would need to be carried out. This will give a better understanding of the nature and potential for remains on site. In response, the applicant has undertaken archaeological trial trenching, as agreed with Bucks CC Archaeology Officer, who has subsequently confirmed in writing that no further investigation work is required, nor are any conditions recommended.

4.7 No concerns are raised by the Council's Conservation/Listed Buildings Officer, who having reviewed the proposals considers that the proposal would better preserve the setting of the Weller Estate Conservation Area as it would reduce the built form on its fringes, and within the immediate setting of the non-designated heritage assets (i.e. the two locally listed buildings).

Landscaping and Trees

5.1 Well considered landscaping is fundamental to good design, and to creating well designed, inviting and useable spaces that contribute to a good sense of place. This is crucial to the success of the proposed scheme. The NPPF recognises this, in paragraph 170, where it refers to the need to contribute to and enhance the natural and local environment, and recognises the contribution trees make to the character of an area. The importance of effective landscaping is also cited in paragraph 127.

5.2 Local Plan Policy GC4 seeks the retention, where appropriate, of existing established trees and hedgerows in sound condition and of good amenity.

5.3 The proposals are supported by a landscape strategy and arboricultural report. The landscape strategy seeks to deliver two distinctly different areas. To the east of the building a more informal, open and natural approach is proposed for King George V Field. In front of the building along Chiltern Avenue, around the car parking area and along King George V Road more formal landscaping is proposed. At the heart of the overall landscaping strategy for the site is this concept of the internal street, this provides an internal connection with the external landscape. This feature has been designed to line up with the main entrance, it runs front to back inside the building and will be internally landscaped to achieve a green corridor that connects the building inside to its landscaped setting outside. Views will be possible through this space to the external spaces, maximising the outlook onto King George V open space.

5.4 The external areas can be broken down into distinctly different areas, each requiring a difference in landscape treatment. The arrival point is where the main entrance is situated, and this lines up with the well used pedestrian route to the town centre, via Woodside Close. This will provide a legible connection between the building and Amersham, and is a significant improvement on the poorly defined, and hidden entrance to the existing Chiltern Pools building. The landscape treatment of this area will be more formal, with structural landscaping, a well defined level pedestrian route to the main entrance, new trees, seating areas and low level planting. Around the car parking area there are less opportunities for soft landscaping due to the need to achieve a certain level of parking within the site, provide appropriate circulation routes and to facilitate space for servicing vehicles within the site. The use of materials within this area is then important as the variation in materials proposed will help break up the space, provide visual interest and define the hierarchy of routes and connections through the space. New tree planting and low level planting around the perimeter will help to soften this car park area.

5.5 The external play and exercise areas are located around the building, and these facilities will replace as well as enhance the existing facilities that are well used by the local community. The recently installed junior play equipment will be relocated to the front junior play area, and a new dedicated older children's play area will be located at the rear of the building. Site constraints do not allow for the two play areas to be next to one another unfortunately. Adjacent to the older play area will be the outdoor gym, street snooker, skate park, table tennis tables, and then wrapping around the sports hall element will be the petanque courts and MUGA. New pedestrian routes connect these spaces to the wider area, and King George V Field, and there will be opportunities for low level planting and informal seating around them. Further details of the layout, equipment and finishes to these external areas will be secured through condition.

5.6 The detailed design of the skate park has not been carried out yet, the applicant advises this would be done by a specialist, so this detail, along with details of the equipment in other areas, external finishes and fencing (where required) will be secured by condition.

5.7 An indicative hard landscaping and planting strategy has been provided, however precise details of materials, species, planting sizes, locations and a maintenance strategy will be secured through condition. It will be important that the landscaping proposed around the edges of the junior play area at the front is robust, so that this is well separated and enclosed from the adjacent car park area, and the use of high quality and permeable surfacing materials throughout will be key to creating an attractive landscape setting.

5.8 The more informal and natural approach that is proposed for King George V Field will enhance the open space both visually, and also from an ecological and biodiversity perspective.

5.9 Since submission of the application some further changes to the landscape strategy have been presented, these changes are in response to suggestions made by the Council's Urban Design consultant. Whilst these are indicative only these changes relate to the landscaped area in front of the main entrance, the building frontage along King George V Road and the area adjacent to the MUGA. The suggested changes are submitted to improve the public realm. Along King George V Road it is proposed to enhance this space by incorporating raised planters with integrated seating. This will activate this frontage, provide opportunities for informal seating and is a more robust approach to landscaping. The arrival space along Chiltern Avenue is to be enhanced with more formal landscaping; identifying an area for a piece of public art to be installed and the main entrance route would be better defined by a line of trees. Adjacent to the MUGA and skate park a new footpath is proposed, this will benefit from a landscaped buffer strip and a corridor of trees that will help define this pedestrian route and it make it more inviting for users. These indicative changes are considered to enhance the landscape strategy, and further details will be secured through condition.

5.10 The landscaping strategy is found to be well considered, will create attractive external spaces, enhance the public realm and the internal street concept provides a strong connection between the building and its landscaped setting. The loss of existing landscaping and trees is not ideal, however the wider benefits to the local community that this proposal will deliver do outweigh any harm, and a comprehensive landscape strategy supports the proposal.

Trees:

5.11 Supporting the application is an Arboricultural Report (including tree survey) and Arboricultural Impact Assessment. These have been revised in the light of the Tree Officer's initial comments, and no objection is raised subject to the submitted Tree Protection Plan (TPP) being fully adhered to, which will be secured through condition. The Tree Officer is satisfied that the TPP, if adhered to, will safeguard the important group of oaks and birches within the existing open space. Whilst it is unfortunate that the building footprint will result in the loss of some mature specimens, the landscape strategy does make provision for new tree planting which will increase the tree numbers overall. Clearly these newly planted trees will take time to establish, but long-term there will be a greater number of trees on the site. No objection is raised by the Council's Tree Officer.

Residential Amenity

6.1 Policy GC3 requires development proposals seek to protect the amenities enjoyed by the occupants of existing and adjoining neighbouring properties. Policy GC7 states that noise generating development will not be permitted where noise which would result from that development would cause unacceptable disturbance.

6.2 The proposed building would essentially replace existing D1/D2 facilities on site so surrounding residential properties will be accustomed to the noise already associated with these. The replacement building

would be situated closer to Chiltern Avenue dwellings than the existing, and those properties opposite would be closest to the building. The proposed built form would be moved further away from residential boundaries shared with Woodside Road properties, therefore this relationship would be improved. With regard to the existing residential properties opposite, on Chiltern Avenue the proposed building would be higher and positioned further forward (in part) than existing buildings. Whilst existing outlook conditions from these properties will be subject to change, however the building design however includes a footprint that is stepped away from Chiltern Avenue, such that the separation increases as you move across the site. Given the distances involved, that the relationship between residential dwellings and the site has a well-used road (Chiltern Avenue) in between, and the fact that the site is already in use for a range of D1/D2 uses, it is considered that the scheme would not result in significant levels of harm to residential amenity such as to justify a refusal of planning permission.

6.3 The proposal is supported by a noise assessment, air quality assessment and lighting strategy. None of these give rise to concerns that there would be unacceptable impacts on surrounding residential amenity. No objection has been raised by the Council's Environmental Health Officer (EHO), subject to conditions.

6.4 Conditions are recommended that will mitigate potential adverse impacts and further safeguard surrounding residential amenity, both during construction and once in operation.

6.5 The external play and sports facilities are essentially replacing existing facilities on the site, though there will be some re-arranging of these around the site. Again, it is considered that surrounding dwellings will be familiar with the noise associated with these. The skate park and MUGA are proposed to be moved further north within the site, but this still retains generous separation distances to boundaries shared with Woodside Road properties. As a safeguard the EHO has recommended a condition requiring the operator to submit a Noise Management Plan, relating specifically to these external facilities.

6.6 It is inevitable that for a development of this size there would be expected to be some additional impact on the surrounding area during the construction phase, this is a consequence of large construction projects in built up areas. Such impacts are temporary and would not be a justifiable planning reason to resist such a development. In this case conditions are recommended to mitigate any impacts associated with construction related activities; a Construction Traffic and Logistics Management Plan is required, which shall set out mitigation measures such as management and timing of deliveries, mud, dust and noise prevention measures. A separate condition will restrict the hours of operation during demolition and construction.

6.7 Potential impact on amenity arising from increased traffic generation has been considered, and the comments of the Highway Authority are noted. On the basis that no objection is raised on the grounds of increased traffic flows, or vehicle trips, and that parking levels remain broadly similar to the existing site it is not considered the proposed scheme could be resisted on the grounds of any harm to residential amenities from increased traffic generation.

Accessibility, Parking and Highway Impacts

7.1 The NPPF directs significant developments to locations which are sustainable, limiting the need to travel and offering a genuine choice of transport modes. The application site is in a sustainable location, and is well served by public transport. Paragraph 109 of the NPPF says that development "should only be prevented or refused on highway grounds of there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

7.2 Core Strategy policy CS25 says that new development should not adversely impact on the transport network, and that there should be an assessment of the impact new development can have on the transport network.

7.3 Core Strategy policy CS26 refers to, the need for new development to make suitable connections to existing infrastructure, that new development is appropriately located to the road network, an expectation that appropriate vehicle and cycle parking and servicing arrangements will be provided, the need to ensure that vehicular traffic generated by future development does not materially increase traffic problems (i.e. congestion). Development should secure the implementation of travel plans and parking management plans where appropriate.

7.4 Local Plan policy TR2 states that satisfactory access onto the existing network should be provided, and that the highway network in the vicinity of the development site should have the capacity to accept the additional flow of traffic generated. Off-street vehicle parking should accord with policy TR11 and the standards set out in TR16. Policy TR15 refers to the design standards for car parks, and this is reinforced through policy GC1, Policy GC14 set out the need for suitable disabled parking provision.

7.5 A Transport Assessment (TA) supports the application, and this has looked at the existing site and surrounding transport network with traffic and parking surveys undertaken, and it has considered the proposal on the basis of existing conditions, and also in terms of future access, parking, trip generation, effects on local transport network, servicing and refuse collection. In addition a Framework Travel Plan has been submitted, this sets out a range of measures to reduce car dependency travel to the site, and encourage more sustainable modes.

7.6 Buckinghamshire County Council Highway Authority provided an interim response initially, and the applicant subsequently submitted further details providing further clarity, a Technical Note was submitted on 18 January 2019. The Technical Note addresses matters relating to minibuss and coach parking, electric vehicle charging provision and car parking availability during construction, all of these matters were raised initially by the Highway Authority as requiring further clarification.

7.7 A comprehensive Transport Assessment has been submitted in support of this application and this again has been reviewed by the Highway Authority, and their response is set out in detail above. There is not significant change proposed to the existing access arrangements. The principal points of access will continue to be from Chiltern Avenue, as existing, and the existing car park access from King George V Road will be stopped up, therefore this will have the effect of reducing the number of vehicles turning into King George V Road. Pedestrian access will be improved as users of the facility will no longer have to travel through and across the car park, a more legible access will be provided.

7.8 Given the scale of the proposed development a Construction Traffic Management Plan (CMP) would need to be prepared and approved by the Local Planning Authority in consultation with the Highway Authority to mitigate the associated impacts. It is noted that this is not only recommended by the Highway Authority but also by the Strategic Environmental Health Team in terms of also addressing potential noise and disturbance, and this can be secured by condition.

Parking:

7.9 The existing buildings are served by 233 parking spaces. Opposite the site to the south, the Council offices car park provides an overflow car parking facility for 115 vehicles outside of restricted hours. This is well established and it is proposed that this relationship is maintained, so that at times of increased demand the users of the proposed facility can continue to utilise this overspill parking. Furthermore, within easy walking distance of the site is the recently extended Amersham railway station multi-storey car park, with significantly increased capacity for 1182 cars. Also within walking distance of the site are existing town centre car parks (Sycamore Road and Woodside Road) that could also be used by visitors, if required. It is of note that during construction of the extended multi-storey car park 147 permits for long-stay commuter parking

had to be reallocated to other car parks across Amersham. Due to the site's proximity to Amersham railway station it has reasonably been assumed that the majority of these vehicles displaced during construction will have been parking across the three on-site car parks, and this additional demand will have been reflected in the parking surveys undertaken in support of this application. Now the multi-storey has opened this displaced long-stay car parking will have been required to relocate, and this will have a significant positive effect in terms of reducing car park demand across the three on-site car parks.

7.10 Traffic and parking surveys were undertaken to inform the development, further details of these are set out in the TA. It can be confirmed that all surveys were undertaken during school term time and therefore provide a valid representation of highway and parking conditions.

7.11 The development proposes 221 spaces across a single consolidated car park area, of this number 11 spaces will be dedicated for disabled users and 10 will be electric vehicle charging bays. In addition a vehicle drop-off area will be provided, 8 motorcycle spaces, as well as a minibus space. Notwithstanding the parking standards set out in policy TR16 the quantum of spaces proposed has been informed by the existing use of the three on-site spaces as surveyed, as well as trip generation data (derived from TRICS based calculations), and this approach is accepted as valid by the Highway Authority.

7.12 Parking survey results obtained demonstrate that all three car parks across the existing site have spare capacity each day between 07:00am and 18:00pm. The maximum parking occupancy was observed to take place on a Thursday at 11:00am, where 191 spaces were taken, equating to a parking occupancy of 82%, with 42 spare spaces available. Results obtained further demonstrate, as one might expect, a significant reduction in parking demand outside of typical working hours (09:00am - 17:00am). Car parking usage across the weekend is significantly lower with maximum demand peaking at 48% (111 spaces in use) on a Saturday and 42% (98 spaces in use) on a Sunday.

7.13 The Highway Authority has not raised concerns in respect of the traffic and parking survey data obtained. The impacts of the predicted trip generations on both the site accesses and the junctions in the vicinity of the site would not be considered to have an unacceptable impact on highway safety and convenience. It has been identified that there is spare parking capacity available at all times across the three on-site car parks. Additionally there is the ability to continue to use the Council offices car park outside of restricted times (i.e. at evenings and weekends) when demand from the proposed facility is expected to be busier, which coincides with the times when ample space exists. Another notable factor that should be given weight is the increased parking capacity now provided for in the recently extended Amersham multi-storey car park. The report to Planning Committee for this application (CH/2016/2081/RC) justified need on the grounds "that between 339 and 520 additional parking spaces would be needed at the multi-storey car park over the next 20 years to ensure it operates at 85% capacity and prevent rail as a form of travel being restricted in the long term". With 1182 spaces now on site this provides additional long term parking capacity for Amersham-on-the Hill, and indicates that due to the level of provision now on site there will be spare capacity over the next 20 years, should that capacity be needed by other nearby uses such as the proposed facility. The nearby car parks referred to will be able to accommodate overspill parking demand arising from the proposed facility.

7.14 Roads within the vicinity of the site are regulated at certain times by existing parking controls, these controls will prevent overspill parking on the highway, in the vicinity of the site.

7.15 BCC parking guidance does state that "Safe and secure cycle parking is an important component in encouraging cycling. For new developments, BCC aims to ensure that developers make efficient use of land and promote sustainable travel choices." Given the sustainable location of the site and the opportunity to encourage people to make journeys by bicycle instead of the private car, it is considered that this also

supports a higher provision of cycle parking at the site. The proposed provision of 50 cycle parking spaces is double the amount required, and this is welcomed.

7.16 Coach parking was initially proposed as two different options. The option to provide this along King George V Road was not supported by the Highway Authority, with their preference being for an on-site solution. As a result the on-site solution has been advanced, and this will involve coaches entering the site, turning and manoeuvring within the loading area north of the building, and using parking spaces that have been temporarily marked out by cones, to allow for embarking and disembarking of coaches. This arrangement is preferred by the Highway Authority owing to their concerns that coaches embarking and disembarking within the loading area, presents a potential pedestrian conflict. This is supported by the Highway Authority, who request that this be managed through a Parking Management Plan, with bays taken out of service at times when planned coaches are expected to allow for coach parking off the highway. On that final point it is important to recognise that coaches will be expected during weekday daytime (i.e. school bookings), and the wider use of the proposed facility is expected to be at its greatest demand across weekday evenings and weekends, therefore general parking demand is expected to be lower when coaches would be visiting the site. No objections are therefore raised in relation to coach parking provision.

7.17 There is not expected to be a material increase in the number of vehicles and servicing trips generated by the site as the proposals are largely a re-provision of existing uses on the site. Servicing and delivery access will continue from Chiltern Avenue, and within the site a dedicated servicing/loading area is proposed, which represents an improvement as the existing uses on site have no formal area to accommodate delivery and servicing vehicles. The Highway Authority is satisfied that the swept paths submitted demonstrate an acceptable layout for access and manoeuvring purposes, and are satisfied that this can be managed through a Car Park and Vehicle Management Plan.

7.18 Accident data has been considered over a five year period, up until July 2018, this was to determine whether or not there are any road safety issues that are material to the proposal. Inspections of incidents show that there were just five accidents within the five year period. All appear to have occurred as a consequence of human error, rather than highway design, no two incidents occurred in the same location either. In summary, due to the low number of incidents, and the other factors referred to there are not considered to be any road safety issues pertinent to the proposed application

7.19 It has been demonstrated that the proposal is not in conflict with paragraph 109 of the NPPF; the Highway Authority does not consider this proposal is likely to result in an unacceptable impact on highway safety, nor will the resulting impacts on the road network be severe. Overall, it can be concluded that the proposal will be acceptable in regards to access, highway safety, parking and servicing, subject to the imposition of appropriate and necessary conditions.

Air Quality

8.1 Paragraph 181 of the NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMA) and Clean Air Zones. Opportunities to improve air quality and or mitigate impacts should be identified.

8.2 The application site is not within a designated AQMA. However, an Air Quality Assessment does support the application, and this identifies there is a potential for impacts on local air quality during the construction phase, as a result of dust and particle emissions. The impacts arising from the operation of the proposed development on local pollutant concentrations is considered to be negligible, with no mitigation found to be necessary.

8.3 The District Strategic Environment Team agrees with findings of the assessment, as such there are no comments arising relating to the methodology. It is recommended that a Construction Environmental Management Plan be secured through condition; this Plan would be expected to provide details of dust and particulate mitigation during construction, which would mitigate the potential impact on air quality during construction.

Drainage / Flood Risk

9.1 The NPPF requires the planning system to take full account of flood risk and all plans should apply a sequential, risk-based approach to the location of development and ensure that flood risk is not increased elsewhere. Core Strategy policy CS4 requires regard to be had to sustainable drainage and reducing the risk of flooding in appropriate circumstances.

9.2 The site is not within an identified flood risk area, it is designated by the Environment Agency as Flood Zone 1 (area of lowest risk). The application is supported by a Flood Risk Assessment and Drainage Strategy. It should be noted that no objection has been raised by the Environment Agency on flood risk grounds. Due its location within the lowest area of flood risk this then satisfies the sequential test approach to site selection, as outlined in the NPPF. Strategic Flood Risk Assessment (SFRA) maps indicate the site is located in an area of low to high risk of surface water flooding and a surface water overland flow path passes along King George V Road, and through the southern part of the King George V Field. To safeguard the proposed building from this potential flood risk the threshold levels of fire escapes/entrances along King George V Road have been set above existing ground levels and graded away from the building. The risk of groundwater flooding was identified as low. Based on Thames Water advice the risk of sewer flooding to the site is also considered to be low.

9.3 Bucks County Council, as the Lead Local Flood Authority, initially raised an objection on grounds relating to surface water drainage, and the proposed inclusion of deep borehole soakaways. They identified that part of the development site is at risk of surface water flooding, and wanted the applicant to demonstrate that the proposals do not obstruct the flow of the overland surface water route. It was noted that the existing surface water drainage strategy for the site utilises deep borehole soakaways, and that the proposed development will modestly increase the impermeable area of the site, which in turn will increase the volume of surface water runoff generated from the site. Due to this increase in impermeable area then mitigation will have to be provided. The initial drainage strategy was not supported, and greater consideration of a range of sustainable drainage measures (SuDS) was required, as well as further justification for the drainage strategy in respect of deep bore soakaways

9.4 Subsequent to the receipt of these comments, the applicant has submitted revised and additional information to address these concerns, and there have been subsequent discussions between parties to resolve matters. The Lead Local Flood Authority has confirmed in their further response dated 31.01.19 that they are satisfied and remove their objection, subject to recommended conditions.

Designing to reduce crime

10.1 Local Plan policy GC1 and Core Strategy policy CS30 make it clear that development should be designed and laid out to reduce the opportunity for crime, and should be aimed at improving community safety. The supporting DAS confirms that crime prevention advice was sought at pre-application stage. The Crime Prevention Advisor (CPA) was consulted about this application, and initially questioned some of the access arrangements internally, as well as the lack of opportunities for natural surveillance of external facilities. Details pertaining to the internal layout of the building and how access within the building is managed/controlled are not a material planning consideration. Notwithstanding this the applicant has subsequently provided further clarification which has addressed many of the points raised by the CPA, and it has been confirmed that both play areas will include areas for young and older play to prevent parental

guardianship from being absent. The CPA has been requested that a more detailed security strategy for the building be provided once there is a known operator, and that this be secured through a Security Management Plan condition. This shall also include details of CCTV provision to address comments made relating to lack of surveillance. Subject to an appropriately worded condition being secured there would be no concerns.

Sustainability

11.1 At the heart of the NPPF is a presumption in favour of sustainable development, and to go some way to achieving this development shall mitigate and adapt to climate change, and support a reduction in carbon emissions.

11.2 Core Strategy Policy CS4 seeks to ensure that development is sustainable, and that it helps contribute towards national targets to reduce overall CO2 emissions. It refers to a range of 'Sustainability Principles' which this can be judged against. Policy CS5 requires that for new development of more than 1000sqm of non-residential floorspace at least 10% of the energy requirements are from decentralised and renewable or low carbon sources. Guidance is also provided within the Sustainable Construction and Renewable Energy SPD (2015).

11.3 Supporting the application is the Sustainability and Energy Statement, setting out the energy strategy proposed for the building. This strategy has been informed by the Council's SPD. The energy strategy for the building is based on the hierarchy of, first delivering a building that is energy efficient, it then considers the building fabric from the perspective of saving energy, and finally it considers what energy efficient services and renewable and low and zero carbon technologies might be practical and feasible.

11.4 The building form and orientation have been designed very much with consideration for the impacts these can have on energy consumption. The design, proportion of glass and the location of the pool area glazing maximise solar gain.

11.5 The building fabric has been selected with a view to saving energy, making the building more energy efficient, which impacts on the size and requirement of the heating systems. The proposed fabric 'U' values will better the current standards. The glazed areas are also beneficial from the point of view that these will maximise the amount of natural light into the building and reduce peak cooling loads.

11.6 Integral to the energy strategy is the appropriate selection of energy efficient systems, services and equipment. For example, the building will have high efficiency condensing boilers which will provide an energy efficient solution to the relatively low heat load of a building of this nature. The use of a ventilation heat recovery system as well will also help to reduce heat loss, which can be a factor for large open swimming pool areas.

11.7 The energy strategy has considered the feasibility of a range of renewable technologies, along with zero and low carbon technologies, mindful of the requirements of the NPPF and policies CS4 and CS5. A number of technologies were considered, but subsequently discounted as either being impractical, unsuitable for this location or commercially non-viable, and these are set out in the submitted Sustainability and Energy Statement. It has been judged that a combination of Air Source Heat Pumps and Water Source Heat Pumps would best suit the requirements of a building of this nature, which it has been confirmed is in excess of the 10% policy requirement of energy from renewable or low carbon technologies. Furthermore, the use of Photovoltaics (PV) is identified as being possible on the roof of the sports hall element, and at this stage the viability of this is still being considered. It is therefore recommended that a condition be attached to any permission requiring the submission of a feasibility study for the use of PV panels, and if found to be feasible further details of the amount and location of PV panels to be provided on the building.

11.8 The proposed energy strategy will represent a significant enhancement, and will significantly reduce the carbon footprint when compared to the existing Chiltern Pools building, which is considered to be highly inefficient. The replacement building will be materially more energy efficient, and would achieve a BREEAM rating of 'Very Good'. Overall the strategy would be in line with the requirements of the NPPF, Core Strategy policies, and the Council's SPD.

11.9 Finally it is also relevant to note that the proposed building is in a highly sustainable location, and the intention is that building materials will be locally sourced (where possible), which will further reduce the development's carbon footprint.

Healthy Communities

12.1 National planning policy states that planning decisions should aim to achieve healthy places which enable and support healthy lifestyles, especially where this would address well-being needs. Planning decisions should plan positively for the provision of and use of shared spaces, community facilities, sports facilities and open space, and support development that improves health and well-being.

12.2 The Core Strategy supports healthy, active and inclusive communities, and policy CS28 supports the retention of existing sports and recreation facilities, as well as their improvements and new facilities where need is identified, recognising their vital role in enhancing people's quality of life and for promoting healthy living and social inclusion. This is entirely consistent with the NPPF which in promoting healthy and safe communities seeks places that promote social interaction, and enable and support healthy lifestyles.

12.3 The Council recognises the positive impact that increased participation in sport can have on health and well-being as well as encouraging social interaction, and the provision of enhanced modern sports and community facilities on this site would be supportive of policy aims. This proposal represents a long-term investment into the well-being of the local community, and is supportive of Core Strategy policies that seek to achieve greater accessibility, increased participation and greater opportunities for physical activity, and to improve levels of performance in sport and activity. The Council estimates the proposed facility would generate considerable improvements in participation, including an 85% increase in swimming lessons per week, capacity for up to 4,400 health and fitness members, with up to 800,000 users of the facility per annum. Such improvements in participation would not be possible with the current, ageing buildings on site.

12.4 The Indoor Sport & Leisure Facilities Strategy (IS&LFs) for Chiltern District Council (2016) has assessed need and considers what facilities will be needed now, as well as in the future to support growth. The strategy aims to:-

- develop and improve facilities that encourage active lifestyles;
- provide high quality indoor sports facilities, that support increased participation

12.5 The proposal would contribute very significantly to these aims and objectives, providing a high quality, modern facility to be enjoyed by residents in the local and wider area, and will make effective use of the site. Strategically the delivery of this facility would assist the Council in improving the health and well-being of its residents and facilitate a healthier, more active population, and it would also be supportive of national Government aims to increase participation levels in physical activity. The proposal benefits from Sport England support, who comment that the proposal will "significantly increase the sporting and recreational offer currently provided", and note that this will support the Council's IS&LFS.

12.6 There would also be a positive economic impact in terms of employment opportunities, with it estimated that approximately 55 full-time employment opportunities would be created for the leisure and sports uses alone. This figure would increase further when the wider community facilities are accounted for.

Noise

13.1 Core Strategy policy CS4 seeks minimal disruption from new development in terms of noise pollution upon the wider environment. Saved Local Plan policy GC7 states that noise-generating development will not be permitted where the noise levels and/or the noise characteristics which would result from that development would cause an unacceptable degree of disturbance to the occupants of any residential or other noise-sensitive development in the vicinity of the application site. Noise includes vibrations. Policy GC8 requires that noise levels and characteristics be assessed as part of new noise generating development.

13.2 The site is currently in use as a leisure facility, and other uses. This has been established for a significant period of time, therefore nearby residential properties will be familiar with the noise associated. However, the proposal would result in a larger building, the re-location of the building and car park, as well as an expansion of uses on site. An Environmental Noise Assessment supports the application, within this are the results of noise surveys undertaken to establish the existing noise conditions and likely noise generated from the proposed development, and use of the site. The report makes some recommendation to help safeguard nearby residential amenity. This assessment has been reviewed by the Council's Environmental Health Officer, who recommends conditions to mitigate potential noise impacts.

13.3 Recommended conditions include a restriction on hours of operation on site during demolition and construction, a requirement for approval of a Construction Environmental Management Plan (CEMP) and a Noise Management Plan (NMP).

Ecology

14.1 The NPPF requires that planning decisions contribute to and enhance the natural and local environment. Protection should be given to sites of biodiversity value and decisions should minimise impacts on and provide net gains for biodiversity.

14.2 Core Strategy policy CS24 aims to conserve and enhance biodiversity within the District. Proposals should protect biodiversity, and if possible, improve biodiversity.

14.3 The application is supported by an Ecological Impact Assessment. The Assessment details the ecological surveys and desk studies undertaken in respect of protected species. It notes that the site is dominated by amenity grassland, areas of hardstanding and a collection of buildings, which are considered to be of limited ecological importance. There are no statutory designations on, or close to the site. The three managed hedgerows on site are considered to qualify as Habitats of Principal Importance, though these are of limited ecological importance. The on-site buildings, trees and hedgerows are considered suitable for nesting birds, therefore if vegetation clearance and/or building demolition is required within the period March to mid-September (inclusive), a check for nesting birds must be conducted by a suitably experienced ecologist, before clearance/demolition commences. This is addressed through an Informative, as can the provision of new on-site hedgerows which can help compensate for the loss of any existing on-site nesting habitat.

14.4 No further survey work is recommended in respect of great crested newts, reptiles, birds, badgers, otters, or bats.

14.5 The Council's Ecology consultant has reviewed the submitted information, and is satisfied that potential presence of protected species and habitats has been given due consideration. The proposed development area on the whole largely comprises habitats of low ecological value. Conditions are recommended in respect of securing ecological enhancements, a wildlife sensitive lighting scheme and construction safeguards.

14.6 Ecological mitigation measures are also set out in the submitted Design & Access Statement. It is proposed that new hedgerows will be planted across the site, areas within King George V Field will be encouraged to be areas of taller grass and wildflower meadows, habitat creation will be encouraged by introducing dead wood into parts of the site, bat and bird boxes will also be provided. The provision of these measures will satisfy policy CS24 and further details will be secured through condition.

Land Contamination

15.1 Paragraph 178 of the NPPF states that a site should be suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Planning decisions should take account of any proposals for mitigation, including land remediation, following adequate site investigations.

15.2 Core Strategy policy CS4, and saved Local Plan policy GC9 support the remediation of contaminated land.

15.3 The application is supported by a Phase I Environmental Site Assessment. This identifies the site's former use as a farm and identifies some potential for made ground deposits. A more intrusive, Phase II assessment is recommended, which has been carried out. This recommends that additional soil sampling is undertaken due the limited analysis undertaken to date.

15.4 Having reviewed the supporting Phase I / Phase II assessments the Environmental Health Officer has recommended a condition be secured, requiring (following demolition of buildings) that a further site investigation scheme be carried out, and based on the results of this an options appraisal and remediation strategy (if necessary). No objection has been raised, subject to the recommended condition.

Other matters

Lighting:

16.1 As set out in the NPPF (paragraph 180) planning decisions should limit the impact from artificial light for amenity reasons. Core Strategy policy CS4 says that regard should be had to minimising light pollution and saved Local Plan policy R6 does not support the use of floodlighting for outdoor sports in the already built up areas.

16.2 A lighting strategy supports the proposal, this has carried out modelling to predict the light spread from the new sources of luminance. Lighting will be from 4m high lighting posts spread across the site, and it has been demonstrated that this concentrates the illumination where it is required most, in the car park area. All lighting will use a narrow spectrum gauge, and will be directed towards the ground. Consequently there will be minimal light spread to the surrounding area, King George V open space, or nearby housing. Though this was raised as a concern in some of the representations received the modelling results do not raise a concern in respect of the glazed area serving the swimming pool, and no concerns are raised by the Environmental Health Officer. Given the nature of the location, the presence of existing street lighting along Chiltern Avenue and King George V Road it is not considered that this proposal would result in unacceptable light pollution. This is an urban area that is already well served by ambient/street lighting.

Accessibility:

16.3 The NPPF, Core Strategy policies CS4, CS20 and saved Local Plan policy GC14 have been duly considered with the aim of making this a well designed and inviting place for users. Accessibility has been an integral part of this.

16.4 The external areas, internal layout and main routes to the building have been designed with a view to being accessible and to all users and inclusive. Dedicated disabled parking bays (x12) are provided for close to

the main entrance, also provided is a dedicated set-down and drop-off point. Level and unhindered access will be provided from these areas to the main entrance. Level access is also provided from the car park area, and the main pedestrian route to the main entrance. Highways officers have requested that the stepped pedestrian access point on Chiltern Avenue, which is line with the existing zebra crossing be amended to be fully wheelchair accessible. This minor change can be dealt with through condition with the submission of revised details.

16.5 Internally the building has been designed with consideration for all user groups in order to ensure the facilities are fully inclusive. Level access is provided into the building, and throughout the ground floor. Upper and lower floors are served by wheelchair accessible lifts, including sports wheelchair accessible lifts to lower ground floor (i.e. for the sports hall). All changing facilities have been designed to comply with Accessible Sports Facilities recommendations, and the swimming pool is provided with a means of access for wheelchair users. The first floor nursery is served by two lifts, providing access for wheelchair users and buggies. Due to the site level changes along King George V Road it has not been possible to provide fully step free access along this side of the building, however the main entrance does achieve this.

16.6 In summary there would be no concerns relating to access. The building and external areas have been designed to give suitable access for all users, and the internal environment achieves this also with level and step free access. The design and layout appropriately responds to CABE's comments on making this an inclusive environment, and it is noted that Building Control do consider the proposal will comply with Part M of the Building Regulations.

Waste Management:

16.7 The waste strategy is addressed in the submitted DAS. In summary, the main service area is located on the north eastern side of the building, and will be accessed via Chiltern Avenue, through the car park area. This area is where bin storage is accommodated, and the main servicing of the plant room and filtration chemical stores will take place. Highways have not raised any concerns to the access arrangements. A condition is recommended requiring some form of fencing/enclosure so that the public do not have free access to this area.

Conclusions

17.1 The application has been assessed against the NPPF, Chiltern District Local Plan and Chiltern District Core Strategy, and fundamental to this has been consideration of whether the proposals deliver sustainable development. Fundamentally the application is to replace existing D1/D2 uses and facilities on site, that are accommodated in buildings which are ageing and no longer cost effective to continue to invest in and maintain. It is proposed to provide replacement and much enhanced D1/D2 uses on the site, the enhancement in facility and in the range of uses and activities that can be accommodated on the site will allow for greater participation, and encourage people to become more active, which will be beneficial to people's health and well-being. Council feasibility studies undertaken identified that there would be a need to provide new leisure facilities to meet future growth, and there was evidence of a shortfall in multi-activity spaces in the Amersham area. Due to this identified need and in recognition of the ageing facilities/buildings on site the Council, in conjunction with stakeholders and the local community developed these proposals that will allow for co-location, multi-use and encourage social interaction.

17.2 There is conflict with Local Plan policies that do not support the change of use of designated public open space, notwithstanding this NPPF exception tests for developing on existing open space are considered to be met, due to the betterment in terms of sports provision and the benefits of the proposed alternative provision. The principle of the site's re-development for the replacement of D1/D2 uses with an improved and enhanced facility is not therefore considered to be objectionable. Improving and enhancing facilities such as this is consistent with local and national policy.

17.3 The Highway Authority have no objection to the proposed development, and the level of parking provision is considered appropriate in this highly sustainable location, located close to Amersham railway station and within easy walking distance of other public car parks in Amersham. The NPPF states that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this instance the proposed development is not considered to result in unacceptable or severe impacts, and will promote sustainable travel firstly due to its sustainable location, but also owing to the inclusion of adequate cycle parking, electronic vehicle charging provision, and the securing of a Travel Plan

17.4 The proposal is of modern design and the siting, scale and mass of the proposed building development will represent a marked change in the streetscene. This is undoubtedly a large building, but there are other notable large buildings further south along Chiltern Avenue, including the Council offices on the opposite side of King George V Road. The enhancement in facilities to be provided on site for the benefit of the local community requires a built form that is larger than existing buildings. The design has taken on board the need to articulate the building and break down the mass. The scale and heights respect the adjacent office development on the opposite side of King George V Road. A detailed landscaping scheme has been advanced, which will be required to be provided by condition to assist in the appearance in the street scene and contributing positively to the public realm.

17.5 It is noted that objectors have raised objection to the proposal on a wide range of planning issues, all of which have been covered. Some have questioned the costs involved, they do not support the land swap, and question what is planned for the 'future development zone' (as illustrated on submitted plans). These are not material planning considerations that can be afforded weight in the determination of the current application, and it is important to re-iterate the 'future development zone' is outside of the application site and not part of the application.

17.6 This is a sustainable location, close to Amersham-on-the Hill and is an appropriate location, improving on the existing facilities on site. It is considered that a fair balance would be struck between the interests of the community and the human rights of individuals in the event of planning permission being granted in this instance, subject to conditions as set out.

Working with the applicant

In accordance with Section 4 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 worked 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, following the pre-application that was undertaken with the applicant.

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

Human Rights

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

RECOMMENDATION: Resolve to recommend Council to approve own development

Subject to the following conditions:-

1 C108A General Time Limit

2 Prior to the commencement of development (save for demolition) (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a detailed scheme of ecological enhancements (including a timetable for implementation of the scheme) shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include but not be limited to details of native landscape planting, including species of known benefit to wildlife, and provision of artificial roost features, including bird and bat boxes, details of the ecological mitigation measures included within the submitted Design & Access Statement. The ecological enhancements shall be implemented fully in accordance with the approved details and timescales thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of improving biodiversity in accordance with NPPF and policy C24 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.

3 Prior to first 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;

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 fully in accordance with the specifications and locations set out in the approved 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.

4 Prior to commencement of development (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

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

The approved CEMP shall be adhered to and fully implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

5 Prior to the commencement of works above ground level a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority including details, of proposed planting heights, spacing and species. The submitted details shall include provision for replacement hedgerows, trees and revised landscaping details for the frontage treatment of King George V Road, Chiltern Avenue as well as the pedestrian route to the north of the building hereby approved.

The development shall be carried out fully in accordance with the approved details thereafter, in accordance with an agreed timescale and shall be fully maintained in accordance with approved maintenance and management details, unless otherwise agreed in writing by the Local Planning Authority.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain the visual amenity of the area.

6 Prior to the commencement of works above ground level a hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority including specification, of all finishing materials to be used in any hardsurfacing within the application site, including details of their permeable qualities. Details of any signboards and external seating shall also be provided. The development shall be carried out fully in accordance with the approved details thereafter and prior to first occupation of the building hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain the visual amenity of the area and in the interests of sustainable drainage.

7 Prior to installation on site further details of the children's play areas, outdoor gym and skate park shall be submitted to and approved in writing by the Local Planning Authority, such details shall include but not be limited to the following:-

- a) Layout details
- b) Details of equipment
- c) Hardsurfacing
- d) Fencing or other means of enclosure

Thereafter the development shall be carried out and maintained fully in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure appropriate children's play space provision and in the interests of the visual amenities of the area

8 Prior to first occupation of the development, or other such timescale as agreed in writing by the Local Planning Authority the existing vehicle access onto King George V Road shall be permanently closed and stopped up in general accordance with the approved plans.

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

9 Prior to first occupation of the development hereby approved an amended scheme for cycle parking and pedestrian access shall be submitted to and approved in writing by the Local Planning Authority following consultation with the Highway Authority. The amended scheme shall include and demonstrate covered and lighting provision for the proposed cycle parking and appropriate level pedestrian access from Chiltern Avenue for all users of the highway. The approved scheme shall be fully implemented in accordance with the approved details prior to first occupation of the development and shall thereafter be permanently maintained.

Reason: In the interests of pedestrian and highway safety.

10 Prior to commencement of the development a Construction Traffic and Logistics Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Plan shall include details of (but not be limited to the following):

- Details of construction phasing, including timescales and hours;
- Details of where public parking lost during construction will take place;
- Details of public notices to be displayed in advance of works;
- Construction access;
- Management and timing of deliveries;
- Routing of construction traffic;
- Vehicle parking for site operatives and visitors;
- Loading / off-loading and turning areas;
- Details of site construction compound, siting and layout;
- Storage of materials;
- Precautions to prevent the deposit of mud and debris on the adjacent highway;
- Proposed mitigation for dust;
- Proposed mitigation for noise;
- Swept path analysis of construction vehicles required to access the site for each phase of development

The development hereby permitted shall thereafter be carried out fully in accordance with the approved Construction Management Plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise danger and inconvenience to highway users and to mitigate impacts on residential amenity.

11 Prior to first occupation of the development a Full Travel Plan and Car Parking and Vehicle Management Plan (including for planned coach and mini bus drop off/collection) shall be submitted to and agreed in writing by the Local Planning Authority. The submitted Travel Plan shall be in general accordance with the 'Buckinghamshire County Council Travel Plan Good Practice Guidance'.

The approved Travel Plan and Car Parking and Vehicle Management Plan shall be implemented in full upon occupation of the development and subject to annual review thereafter (or to be implemented within a timescale otherwise agreed in writing by the Local Planning Authority).

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with National and Local Transport Policy, and to ensure safe and suitable access for embarking and disembarking from coaches and minibuses.

12 Prior to first occupation of the development details of servicing arrangements for deliveries to and from the site including:

- a) Specifications for parking and turning for service vehicles
- b) Specifications of types of vehicles and hours of operation

shall be submitted to and approved in writing by the Local Planning Authority and only the approved details shall be implemented thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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.

13 The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out fully in accordance with the approved details prior to first 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.

14 Prior to first occupation of the development hereby approved cycle parking provision on site shall be fully in accordance with the approved details. The quantum of cycle parking shall thereafter be permanently maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

15 Following the demolition of the library, the youth centre, Drake Hall and Chiltern Pools buildings and prior to the commencement of each relevant phase of the development (as described in the submitted phasing plan) 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.

16 Before any construction work commences above ground, named types including samples of all the facing materials, as well as roofing materials to be used for the external construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be fully implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

17 Before any site works commence on the development hereby permitted, tree protection fencing shall be erected around the trees and hedges to be retained in accordance with both British Standard 5837:2012 and the submitted Tree Protection Plan Drawing No 4773-LLB-XX-XX-DR-Ab-006 Rev P01 dated 19.12.2018 by Lloydbore landscape ecology arboriculture. The fencing shall then be retained in the positions shown on the Tree Protection Plan until the development is completed. Within the enclosed areas there shall be no construction works, no storage of materials, no fires and no excavation or changes to ground levels.

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

18 The proposed café to be introduced within the building shall not be brought into operation until suitable ventilation and filtration equipment has been installed to suppress and disperse odour in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The equipment approved shall be effectively operated and maintained in accordance with manufacturer's instructions and in accordance with the approved details for as long as the cafe use continues.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised and to ensure that any external apparatus does not detract from the visual appearance of the building

19 Prior to installation further details, including the specification and means of control of any gate or barrier to be used to control vehicle access to the car park, as well as details of any security bollards shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be installed fully in accordance with the approved details, and installed prior to the use of the building commencing.

Reason: To ensure appropriate and safe access to the site is maintained.

20 Following the appointment of an operator for the centre, a Security Needs and Operational Requirement Assessment shall be conducted and a Security Management Plan submitted to the Local Planning Authority for approval in writing. Following approval in writing the resulting security Plan, including any CCTV systems shall be implemented in full prior to the building being operational. The system should address any areas lacking natural surveillance both internally and externally.

Reason: To minimise potential criminal activity and improve community safety, in accordance with Core Strategy CS30.

21 No floodlighting or other form of external lighting to serve the external play and sports facilities shall be installed unless it is in accordance with details which have been previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

Reason: In the interest of safeguarding the visual amenities of the locality and nearby residential properties.

22 Prior to the commencement of works above ground level a feasibility study for the use of PV panels shall be submitted to the Local Planning Authority for consideration. Subject to the scheme proving to be feasible further details of the amount and location of PV panels to be provided on the building shall be submitted to and approved in writing by the Local Planning Authority prior to installation, and thereafter shall be installed fully in accordance with such details prior to the use commencing.

Reason: To ensure appropriate provision for renewable technologies in accordance with Core Strategy policy CS5.

23 Demolition and construction works, including start up and close down activities, shall not be carried out other than within the following hours:

07:30 to 19:00 Monday to Friday;

08:00 to 13:00 Saturdays

No working on Sundays or Bank Holidays.

Any proposed works outside of those hours to be approved by the District Planning Authority and proportionate mitigation measures proposed.

Reason: In the interests of local amenity and to comply with Policy GC3 of the Chiltern District Council Local Plan 1997/2001.

24 Prior to the external play areas and sports facilities being installed on site a Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority before the facilities are brought into use. The NMP shall set out a strategy for the management of noise from the external facilities, and how any complaints in relation to noise associated with these will be recorded and dealt with, including details of any mitigation measures necessary. This strategy shall be reviewed annually, and if as part of any review it can be demonstrated to the satisfaction of the Local Planning Authority that the NMP is no longer necessary the requirement for a NMP can be removed.

Reason: To safeguard the amenity of nearby residential occupiers.

25 When in normal operation on the site, the rating level from all fixed plant (boilers, mechanical ventilation plant, air conditioning equipment and the like) minus the existing background level shall not exceed +5dB at the boundary with the nearest residential receptor, when determined in accordance with BS4142:2014.

Reason: To protect the amenities of nearby residential properties and prevent noise disturbance.

26 Prior to commencement of development (save for demolition) a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented fully in accordance with the approved details before the development is completed. The scheme shall also include:

- Increase in the attenuation storage before discharging to the deep borehole to ensure that a 24 hour half drain down time for the 1 in 30 year rainfall event is achieved
- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary, including green roofs and active rainwater harvesting
- Demonstrate that water quality, ecological and amenity benefits have been considered
- Infiltration rate testing
- 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 depth
 - Flow volume
 - 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.

27 Prior to commencement of development (save for demolition) a "whole-life" maintenance plan for the site shall have been submitted to and approved in writing by the Local Planning Authority. The Plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component) during and following construction, with details of who is to be responsible for carrying out the maintenance. The approved Plan shall subsequently be implemented fully in accordance with the approved details thereafter.

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

28 Prior to the first occupation of the development, a demonstration (such as as-built drawings and/or photographic evidence) of the as-built surface water drainage scheme carried out by a suitably qualified person must be submitted to and approved in writing 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 has been constructed as per the approved is designed to the technical standards

29 AP01 Approved Plans

INFORMATIVES

1 Trees and other vegetation may offer suitable habitat for nesting birds. All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981.

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.

2 The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding, skip or any other device or apparatus for which a licence must be sought from the Highway Authority. A period of 10 days must be allowed for the issuing of the licence, please contact the Streetworks team at the following address for information.

Streetworks
10th Floor, New County Offices
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
Telephone 0845 2302882
<https://www.buckscc.gov.uk/services/transport-and-roads/licences-and-permits/>

3 The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information or apply online via Buckinghamshire County Council's website at;

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

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

4 Thames Water advise that a Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: commercial swimming pools. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made to Thames water.

5 The deep borehole soakaways associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 08708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted.

The End

Application no. CH/2010/0192/FA

CHILTERN DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Permitted Development) Order 1995

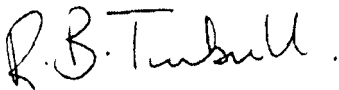
In pursuance of their powers under the above-mentioned Act and Order, Chiltern District Council, as Local Planning Authority, **HEREBY PERMITS** the following:

Proposal: Continued use of land for the stationing of caravans for residential purposes for six Gypsy pitches together with the conversion of an existing stable block to provide dayrooms, retention of fencing and hardstanding and provision of additional hardstanding and fencing (including bin store), small sewerage plant, site entrance gates and walls, and landscaping

Location: Three Oaks Farm, Roberts Lane, Chalfont St Peter, Buckinghamshire

For: Mr Delaney

in accordance with your application received on **14.06.2010** and the plans and particulars accompanying it subject to the following conditions and reasons set out on the following page(s).



Richard Turnbull
Development Control Manager
On behalf of the Council

Date: 9 February 2011

Green Planning Solutions
Mr Matthew Green
Unit D
Lunesdale
Upton Magna Business Park
Shrewsbury
Shropshire
SY4 4TT

SCHEDULE OF CONDITIONS AND REASONS RELATING TO THIS PERMISSION

1 The use hereby permitted shall be carried on only by the following, and their resident dependants: Patrick Delaney Senior, John Brian, Bill Delaney, Barbara Delaney, Jim Delaney, Jacqueline Delaney, Ann Delaney, Michael Delaney, Margaret Delaney, Patrick Delaney and Kathleen Delaney. Upon the cessation of the use of the site by the said named persons, the use hereby permitted shall cease, all materials and equipment brought on to the land in connection with the use shall be removed, and the land restored to its former condition within 3 months.

Reason: The development the subject of this application is considered to be inappropriate development in the Green Belt, resulting in overall harm to the Green Belt and additional harm to the openness of the Green Belt and to the Colne Valley Park. However it is considered that there are very special circumstances in terms of the general lack of sufficient sites for Gypsies and Travellers within the area and the particular needs of the family in terms of the educational and health needs of the children that outweigh this harm and therefore justify permission being granted personal to the current occupants of the site.

2 No more than twelve caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than six shall be a static caravan or mobile home) shall be stationed on the site at any time. All caravans shall be capable of being towed on the public highway in accordance with the relevant highways act legislation without division into separate parts. Within three months of the date of this permission, the said caravans shall only be stationed within the area of "proposed hard-standing" shown cross hatched, in accordance with details shown the approved plans 06_024_004 B 1:1000 received on 18 November 2010 and 06_024_003 C 1:500 received on 18 November 2010, unless the local planning authority give prior written approval to any variation.

Reason: Having regard to the applicant's personal circumstances and to minimise the impact of the development on the visual amenity and rural character of the area having regard to the location of the site within the Green Belt and Colne Valley Park.

3 No commercial activities shall take place on the site, including the open storage of materials. All materials shall be stored within the barn.

Reason: Having regard to the applicant's personal circumstances and to ensure that the development does not detract from the visual amenity and rural character of the area having regard to the location of the site within the Green Belt and Colne Valley Park.

4 No more than 10 motor vehicles, of which no more than 4 shall be commercial vehicles, shall be stationed, parked or stored on the site. No more than 2 of the commercial vehicles shall exceed 3.5 tonnes gross weight. No vehicles shall be parked on the area between Roberts Lane and the barn.

Reason: To ensure that the development does not detract from the visual amenity and rural character of the area having regard to the location of the site within the Green Belt and Colne Valley Park.

5 The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 3 months of the date of failure to meet any one of the requirements set out below:

i) Within 1 month of the grant of this permission details of the off site highway works to provide a bound, hard-surface material on the 4 passing places as shown on plan no. SK-01 Rev A shall be submitted to the Local Planning Authority for approval of the Local Planning Authority. Within 3 months of the written approval of the plans, the off site works should be laid out and constructed in accordance with the approved details..

ii) within 3 months of the dates of this decision, a scheme for hard and soft landscaping shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for it's implementation and a schedule for its maintenance for a period of 5 years. For the avoidance Any plant that is removed, uprooted or destroyed or dies, or in the opinion of the local planning authority, becomes seriously damaged or defective, shall be replaced with another of the same species and size as that originally planted. The planting shall be carried out in accordance with the agreed timetable.

iii) Within 3 months of the date of this decision, the gates and walls at the entrance of the site shall be altered so that they accord with the details as shown on approved plan reference 06_024_010 C which was received by the local planning authority on the 6th May 2010

Reason: To ensure that the development does not detract from the visual amenity and rural character of the area having regard to the location of the site within the Green Belt and Colne Valley Park.

6 The use hereby permitted shall cease unless visibility splays are maintained along both sides of the access between a point 2.4m along the centre line of the access measured from the edge of the carriageway, and a point 43, along the centre line of the carriageway, measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6m in height above the nearside channel level of the carriageway.

Reason: To ensure that there is no detrimental or adverse impact on highway safety

7 The development shall be carried out in accordance with the the details set out in the following drawings / documents

Drawing No.(s): 06 024 006 received on 12 February 2010, **06 024 008** received on 12 February 2010, **06 024 011** received on 12 February 2010, **06 024 001B** received on 4 June 2010, **06 024 002B** received on 4 June 2010, **09 024 005 1 A** received on 4 June 2010, **09 024 005 2 A** received on 4 June 2010, **06 024 010C** received on 6 May 2010, **06 024 011** received on 6 May 2010, **SK-01A** received on 6 May 2010, **06_024_004 B 1:1000** received on 18 November 2010, **06_024_003 C 1:500** received on 18 November 2010, **06 024 007B** received on 26 November 2010, **06 024 009B** received on 26 November 2010,

and in accordance with any other conditions imposed by this planning permission.

Reason: To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.

1 **INFORMATIVE:** The applicant is advised that the off site works in the form of passing places along Roberts Lane will need to be constructed under a section 278 of the Highways Act legal agreement. This agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 8 weeks is required to draw up the agreement following the receipt by the Highway Authority of a completed Section 278 application form.

REASONS FOR APPROVAL

Having regard to the existing development in the area, the relevant provisions of the Development Plan, the written report of the officers and the officer's verbal update at the Planning Committee meeting, and giving appropriate weight to all other material considerations, the Planning Committee considered that, on balance and subject to the conditions of this approval, the proposed development would not significantly affect the character or appearance of the area or the residential amenity of neighbouring occupiers.

For full details of the Council's reasons for allowing the development including the relevant Development Plan policies, please see the officer's report which is available on the Council's Website or at the Council offices.

YOUR ATTENTION IS DRAWN TO:

1. NOTES 1 – 4 ON THE ATTACHED LEAFLET

2. The applicant is advised that the Government has introduced fees for dealing with requests for confirmation of compliance with planning conditions. If this Decision Notice includes conditions that require the submission of details for the written approval of the Local Planning Authority, then you must formally apply to the Local Planning Authority to discharge the condition(s). Such requests can be made by letter or by application form. Forms are available on the Council's website, together with details of the fee. This fee is payable per new request and not per condition. Requests made without the appropriate fee will not be validated and will therefore not be answered, until the correct fee is paid. The fees are £85 per request, or £25 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse.

Please be aware that pre-commencement conditions must be discharged prior to works starting on site. Failure to comply with the requirements of such conditions may mean that the planning permission itself cannot be implemented.

3. This permission does not operate for the purpose of the Building Regulations or exempt you from obtaining any approval which may be required under those Regulations or compliance with any other statutory requirements. For advice please telephone 01494 732249.



Appeal Decision

Site visit made on 12 March 2019

by JP Tudor Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 16th April 2019

Appeal Ref: APP/X0415/W/18/3203978

**Penn and Tylers Green Football Club, Elm Road, Penn, Buckinghamshire
HP10 8LG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Penn and Tylers Green Football Club against the decision of Chiltern District Council.
 - The application Ref CH/2017/1958/FA, dated 19 October 2017, was refused by notice dated 23 February 2018.
 - The development proposed is erection of 6 retractable floodlight columns (2.8m rising to 15m) and lamps to light a football pitch plus associated control cabinet.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of 6 retractable floodlight columns (2.8m rising to 15m) and lamps to light a football pitch plus associated control cabinet at Penn and Tylers Green Football Club, Elm Road, Penn, Buckinghamshire HP10 8LG in accordance with the terms of the application, Ref CH/2017/1958/FA, dated 19 October 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: numbered 754/BA/1; UKS15618_1a; UKS15618_1; E-CC-G.A.-001 A; PNE200/5/GA2 and PNE200/5/GA3.
 - 3) The floodlights hereby permitted shall remain fully retracted and not in use or illuminated except for football match play and only between the hours of 1900 and 2200 on up to 2 weekday evenings and between the hours of 1500 and 1800 on Saturdays and bank holidays. The floodlights shall not be used or illuminated on Sundays. The period in which the above use can take place will be for no more than 8.5 months of the year, in a scheme to be submitted to and approved in writing by the local planning authority.
 - 4) No other external lighting shall be installed within the site unless first agreed in writing by the local planning authority.
 - 5) The 3 existing 6 metre-high floodlight poles on the site will be removed before the development hereby permitted is brought into use.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in July 2018, after the Council had determined the application. The parties have been able to take any relevant changes into account during the appeal. The Framework was further updated in February 2019, but it was not necessary to revert to the parties for comment as the alterations are minor. I have taken account of the current Framework in my determination of the appeal.
3. For ease and brevity, generally, I shall use the term 'floodlight' in this decision to refer to the whole of each structure, including its composite elements such as columns and lamps.

Main Issues

4. Given the location of the appeal site, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt (GB), taking into account effects on the openness of the GB and its purposes, with regard to the Framework and relevant development plan policies;
 - the effect on the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty (AONB); and,
 - the effect on the settings of nearby listed buildings and the character and appearance of the adjacent Penn and Tylers Green Conservation Area (CA).

Reasons

Whether inappropriate development in the GB

5. The appeal site comprises the main football ground at Penn and Tylers Green Football Club (the Club). It is located to the rear of a line of houses, several of which are listed, along Elm Road, a main road through the pleasant rural village of Penn. A tennis club and a cricket club are situated to the north. All three sports clubs have use of the Penn & Tylers Green Sports and Social Club building and a car park, which is accessed via a lane from Elm Road. The football club has a second football pitch, just to the south of the main pitch. Open countryside is to the east and the appeal site lies within the GB, the AONB and is adjacent to the CA. It is proposed that 6 retractable floodlights would be sited around the main football pitch.
6. I appreciate that the Council has found that the proposal would not be inappropriate development within the GB. However, given the great importance which the Government attaches to Green Belts and the detailed policies within section 13 of the Framework, it is necessary for me to carefully consider that aspect.
7. The Chiltern District Local Plan (LP)¹ predates the Framework, first published in 2012, and most recently re-published in February 2019. As the Framework sets out the Government's planning policies for England and how these should be applied, it is an important material consideration in all planning decisions.

¹ Adopted 1 September 1997 (including alterations adopted 29 May 2001)
Consolidated September 2007 & November 2011

8. Where existing development plan policies predate the Framework, as in this case, paragraph 213 of the Framework indicates that due weight should be given to policies in the LP according to their degree of consistency with the Framework.
9. Paragraph 145 of the Framework advises that the construction of new buildings, which would include structures, should be regarded as 'inappropriate' within the GB. However, it also provides exceptions to that, including at 145.b): *'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.'*
10. LP policy GB2 and R6 are similar to the Framework and include exceptions relating to the provision of facilities for outdoor sport. However, policy GB2 refers to 'essential' facilities and policy R6, which deals specifically with floodlights, indicates that it should be demonstrated that they are 'essential' to the use of land for outdoor sport, as well as meeting some other criteria. The requirement in those policies to show that the facilities or floodlights are 'essential' is a more stringent criterion than the requirement in the Framework for the provision of 'appropriate' facilities. Therefore, whilst having broad similarities with the Framework, to that extent policies GB2 and R6 are inconsistent with it. Consequently, I give the LP policies limited weight.
11. Paragraph 133 of the Framework says that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open. Framework paragraph 134 lists the five purposes of the GB, which include *'to assist in safeguarding the countryside from encroachment.'* The proposed floodlights would be used in connection with the existing use of land for outdoor sport. Therefore, the issue is whether they would preserve the openness of the GB and not conflict with its purposes.
12. The concept of 'openness' in the GB has spatial and visual aspects. In spatial terms, the floodlights would not have a substantial footprint, as they are relatively narrow columns and would be spaced out around the football pitch, even allowing for the addition of a control cabinet. Visually, although they extend to around 15 metres in height their main form would be slender and, when retracted, which they would be for most of the time, the floodlight columns would be only about 2.8 metres high. That is lower than the existing 3 x 6 metre floodlights on the northern side of the football pitch and 8 x 8 metre floodlights at the nearby tennis courts.
13. Given those factors, the design of the floodlights and the context of the site, amongst other sporting facilities and behind existing residential housing on the edge of a village, there would not be a detrimental effect on the openness of the GB. Similarly, as they would be sited around an existing football ground, there would be no conflict with the purposes of the GB in terms of, for example, safeguarding the countryside from encroachment or restricting urban sprawl. Indeed, paragraph 141 of the Framework supports the provision of opportunities for outdoor sport and recreation within Green Belts.
14. Floodlights are often used for outdoor sport to enable play in the late afternoons and evenings. Moreover, the appellant has provided persuasive

evidence, including relevant correspondence and documentation,² which explains that the floodlights are needed to meet Football Association (FA) ground requirements to enable two of the Club's senior teams to continue to play at their current level, a Step 6 competition within the FA National League System. That evidence and the nature of the development are sufficient, in my view, to conclude that the floodlights do constitute 'appropriate' facilities for outdoor sport, for the purposes of the Framework.

15. I am aware of the previous appeal decision³ dating from 1997, which allowed floodlights at the adjacent tennis courts. However, as some third parties have alluded to aspects of the Inspector's findings regarding the GB, it is relevant that the methodology and policy for considering that aspect has changed with the advent of the Framework.
16. Overall, I have found that the floodlights would preserve openness and do not conflict with the purposes of including land within the GB. Therefore, the development would not be inappropriate development in the GB, as assessed against the Framework.

The effect on the landscape and scenic beauty of the AONB

17. Policy LSQ1 of the LP appears generally consistent with paragraph 172 of the Framework, which says that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.
18. The appellant advises that the appeal site is located in a part of the AONB which is characterised by mostly dry valleys separated by ridges and plateau areas. Broadleaved woodland also contributes to the area's character, with the village sitting on a ridge, adjacent to farmland and with views towards woodland. The Council has not taken issue with that description and it appears to be broadly in accordance with what I saw on my site visit.
19. It is also relevant that the football club ground, adjacent to other sporting facilities on the edge of the village, forms part of the landscape of this part of the AONB and, notwithstanding some changes, has been an established feature for over a century. Floodlights would not necessarily be an unexpected or unusual feature at a football ground, seen in the context of a Sports and Social Club, a car park, goalposts, stands and a storage container, even in relation to a small club in a rural village. Indeed, there are already floodlights at the football pitch and the tennis courts.
20. Moreover, the appellant cites examples of other football and tennis clubs in the wider area, which have floodlights and are on the edge of settlements, some of which are within the GB, the AONB or border conservation areas. The Council has not specifically disputed those examples or sought to distinguish them from the appeal proposal. Whilst all proposals and sites have their individual characteristics and some third parties have referred to differences between the appeal site and those other sites, the examples lend support to the general point that the extent of the AONB means that it does encompass some sporting facilities with floodlighting.

² Letter from Chief Executive, UHLSport Hellenic League dated 14 September 2017, inspection report and associated emails between representatives of the Club, Spartan South Midlands League and the FA Group.

³ T/APP/X0415/A/96/267941/P9

21. It seems to me that the key aspects of the proposal are: that the design of the floodlights allows the columns to be lowered to about 2.8 metres and that the floodlights would only be extended and illuminated for limited periods. It is understood that the technology enables them to be fully retracted in less than a minute. Therefore, that should address one of the concerns, expressed by the Parish Council in relation to a previous proposal in 2012,⁴ where the length of time that it would take to lower the floodlights led to doubt about whether that task would be undertaken on a daily basis.
22. The appellant has stated that the use of the floodlights would be limited to football matches on up to two weekday evenings, between 1900 and 2200 hours, and between 1500 and 1800 hours on Saturdays and bank holidays. The appellant has also proposed that the period of use would be further restricted to no more than 8.5 months of the year, reflecting the normal football season, in a scheme to be agreed and approved by the Council. When not in use the floodlights would be fully retracted and unlit. Those aspects could be secured by condition. I see no reason why such a condition could not be enforced.
23. Therefore, their use would be limited essentially to up to 9 hours a week during an 8.5-month period of the year. In practice, the appellants advise that it would be rare that home matches for the first and reserve teams would be scheduled on all 3 days of the same week. Furthermore, floodlighting may be unnecessary for the full periods of some matches during months with longer daylight hours. As a result, it is possible that actual usage may, in fact, be for lesser periods.
24. As the appeal site is behind a row of houses, there would be very limited views of the floodlights in their retracted state from Elm Road or the village green. Whilst they would be visible from the rear of some dwellings, views would be likely to be restricted by hedges and trees along the western boundary of the site, accepting that the effectiveness of screening vegetation would be reduced during the winter months because of loss of foliage. In any event, there are already views from public and private vantage points of existing floodlights at the football pitch and tennis courts which are taller than the proposed floodlights in their retracted state.
25. Views of the retracted floodlights would be obtainable from the surrounding countryside and public rights of way network, but most would be distant, and the floodlights would not appear prominent in their context and against the backdrop of the existing built form of the village.
26. When in use and at night the floodlights would be seen, but although they would be taller, there are already floodlights at the site and the adjacent tennis courts, along with other lighting. Therefore, given that three existing floodlights would be removed, the new floodlights would not, taking into account the limited periods of use, significantly affect the visual landscape.
27. In the appeal decision relating to floodlights at the tennis courts, already referred to, the Inspector considered that *'any impression of the pool of light would be in the wider context of the lighting in the built up area of High Wycombe and the illumination of the club car park and outdoor training area'*.

⁴ CH/2005/2012/FA

That appeal also took account of the absence of street lighting in the village. I take a similar view in relation to the effects of the proposed floodlights.

28. I conclude, therefore, that the development would not harm the landscape and scenic beauty of the AONB. Consequently, it would conserve it. It follows that the proposal would comply with LP policy LSQ1 which advises that development should conserve, and where considered appropriate and practicable, enhance the special landscape character and scenic quality of the AONB. It would not be appropriate or practicable to expect floodlights to enhance the AONB. The proposal would also comply with relevant parts of the Framework.

The effect on the settings of nearby listed buildings and the adjacent CA

29. The Planning (Listed Buildings and Conservation Areas) Act 1990 ss.66(1) and 72(1) require that decision makers have special regard to the desirability of preserving listed buildings and their settings and to preserving or enhancing the character or appearance of conservation areas. The 'setting' comprises the surroundings in which such heritage assets are experienced and can include views to and from the heritage asset.
30. The CA Appraisal⁵ refers to the village green and the mainly original buildings which surround it and formed the old core of the settlement. The large pond and avenue of Elms are described as adding interest to the scene, along with views across open countryside to the east. Several of the attractive, detached and semi-detached houses which are set back from Elm Road, but run alongside it opposite the Green, are grade II listed. Some of the listed buildings and other houses along this part of Elm Road back onto the appeal site which is outside, but immediately adjacent to, the CA. The significance of the CA, therefore, derives broadly from the historic, rural character of Penn. That setting also contributes to the significance of the listed buildings.
31. When retracted, there would be very limited views of the floodlights from Elm Road or the village green. However, when they are extended to some 15 metres and illuminated, there would be visibility from parts of the village green and the road, especially at night. The floodlights along the northern and southern sides of the football pitch would be roughly in alignment with the grade II listed pairs of semi-detached houses at 'The Chestnuts' and 'Collaine', and 'Kenilworth' and 'Japonica', respectively. However, because of the orientation of the pitch, the two lines of three floodlights on each side would be running away from the CA and its listed buildings.
32. The site is also at a lower elevation than the village to the west and the nearest two corner floodlights would be in the region of 40 metres beyond most of the main rear elevations of dwellings on Elm Road. There are also trees on the village green, along the road and between some dwellings with further mature trees to the rear. Therefore, whilst there would be visibility of the floodlights when extended, between or above buildings from the road and the Green, it would be variable and partially dissipated by the above factors. The cowls fitted to the lamps would also help to reduce light intensity when viewed from within the CA.
33. Despite those mitigating factors, and whilst tall trees are a feature of the CA, the floodlights, when extended, with their metallic columns and lamps, rising

⁵ Conservation Area V32 - Penn & Tylers Green – as amended by Chiltern District Council 1992

- above the roofs of dwellings would cause some harm to the semi-rural setting of listed buildings and the character and appearance of the CA.
34. Although the land continues to fall away to the east, the floodlights would also be noticeable, when extended, from the surrounding countryside looking back towards the CA and its listed buildings. That would include some views from the grade II listed Puttenham Place Farmhouse. However, as already described, the floodlights would be seen in the general context of existing sporting facilities on the edge of the village, with residential housing in the backdrop. At night, notwithstanding the absence of street lighting, given the existing floodlights, other lighting at the site and tennis courts and in the conurbations beyond, the effects would be relatively limited. A similar view was taken by the Inspector in the appeal decision relating to the eight floodlights at the tennis courts, previously referred to.
35. As in relation to the other main issues, the key factors, which acknowledge the sensitive location of the site, are the retractable nature of the floodlights and the limited periods of proposed use. The three existing 6m high poles with floodlights currently located on the northern side of the pitch would also be removed.
36. Therefore, taking matters in the round, I conclude that there would be limited harm to the settings of listed buildings and to the character and appearance of the CA, when the floodlights are extended and in use. Consequently, there would be some conflict with policies LB2 and CA2 of the LP which seek to protect the settings of listed buildings and important views within, looking out of, or into a conservation area. However, in the language of the Framework, I consider that the harm would be 'less than substantial'.
37. Paragraph 193 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a listed building or a conservation area, great weight should be given to the asset's conservation, irrespective of whether the harm amounts to substantial harm, total loss or less than substantial harm.
38. I am also mindful that paragraph 194 of the Framework indicates that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Nevertheless, paragraph 196 of the Framework says that: '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal....*'. That aspect is not reflected in policies LB2 and CA2 of the LP, which predate the Framework. Therefore, they are inconsistent with the Framework to that extent and out-of-date, which limits the weight that can be afforded to the conflict with them.
39. The Club was established in 1905 and is run by volunteers. It has a membership of over 400 and offers sporting opportunities for children and adults in the local community. Indeed, I understand that it provides a range of teams from senior to youth and junior level, including sides for boys and girls. It is also clear that there has been investment in the Club and its facilities over the years, which is said to have been financed by the community and grants from public bodies.

40. I am satisfied that the Club offers an important sporting and recreational community facility, alongside the tennis and cricket clubs and the shared Sports and Social Club. In supporting a prosperous rural economy, the Framework encourages the retention and development of community facilities such as sports venues.⁶ It also acknowledges that sports facilities can enable and support healthy lifestyles and advance the well-being of communities.⁷
41. The Clubs senior teams have played at the current level in the FA National League System for some 34 years. The evidence presented indicates that in order to avoid potential automatic relegation of two of its senior teams, because of a failure to meet the FA's mandatory ground requirements with regard to floodlighting, a temporary arrangement was put in place this season to enable the club to play home games at Amersham Town Football Club. I understand that there are costs associated with that arrangement and the appellant advises that the special dispensation from the FA to allow it was only given pending the outcome of this appeal, which appears to be supported by the surrounding correspondence already referred to.
42. In any event, whilst some third parties have suggested that the ground-share arrangement could continue, if the Club is to remain an important local sporting facility in a rural community, as supported by the Framework, it would be reasonable to expect that its senior teams would be able to play home games within that community, at their home ground. Whilst it is the two senior teams that would be most directly affected, their possible automatic relegation and the inability to play at the current league level would, it is reasonable to think, have a negative impact on the overall standing and continued success of the Club and associated facilities, such as the Sports and Social Club.
43. It is also reasonably likely, in my view, that relegation would harm the Club's ability to attract new players. It could also potentially discourage children and young people from joining and progressing through the junior and youth teams to play at senior level. The ability to do so would help to ensure that the health and well-being benefits associated with regular sporting activity and exercise are sustained into adulthood.
44. Therefore, the proposed floodlights are important to the Club's continued success and role as a sporting, recreational and social facility for this rural community and the surrounding area. I consider that those public benefits are sufficient to outweigh the 'less than substantial' harm that the development would cause to heritage assets, particularly given the limited periods of use sought, which could be secured by condition.

Other Matters

45. In addition to the matters dealt with above, the occupier of 'The Chestnuts', one of the listed buildings along Elm Road, has expressed concern about the proximity of the floodlights to his house and garden, from where I viewed the appeal site. According to the Council, the nearest floodlights would be about 10 metres from the boundary of the nearest house on Elm Road and about 47 metres from the rear elevations of that dwelling, although other residents have suggested that the distance is shorter from some other dwellings.

⁶ Paragraph 83.d)

⁷ Paragraph 91.c) and 96

46. However, what is apparent is that the relevant dwellings along Elm Road are characterised by long back gardens, providing a reasonable separation distance between rear elevations and the football ground. Existing floodlights at the adjacent sporting facilities can already be seen from 'The Chestnuts' and its rear garden. There would be views of some of the new floodlights, even when retracted. Notwithstanding, given existing views, the limited times when the new floodlights would be extended and lit and the separation distances, they would not change the view to an extent that would be significantly overbearing to adjacent residents. I note that the Council reached a similar conclusion and see no reason to take a different view.
47. Other local residents, particularly along Elm Road, have suggested that light spill from the floodlights would lead to sleep disturbance or affect privacy. However, in some cases, the relevant properties do not directly back on to the main football pitch where the floodlights would be sited. Moreover, my understanding is that the 3 existing floodlights (to be removed if the appeal were successful) and some portable floodlights have been used previously.
48. Given the cowls and focussed nature of the proposed lighting, as detailed by the appellant and their lighting engineers,⁸ I am satisfied that it would not have a significant adverse effect on the living conditions of nearby residents. Existing hedges and trees should also mitigate light spill. In addition, it is pertinent that, according to the Council, their Environmental Health Department has no recorded complaints of 'nuisance' at the football club since 2007 and that the proposed illuminance falls within the acceptable guidance limits.
49. Reference has been made by the Council and others to a 'local policy' of disallowing street lighting within the village, although there is no reference to a development plan policy to that effect. In any event, whilst that may be common practice in this and other villages, the proposal is limited to the provision of floodlights to facilitate sporting activities during some late afternoons and evenings.
50. Moreover, as already discussed, there are existing floodlights and other lighting at the football and tennis clubs, with the tennis club floodlights approved at a previous appeal, where the absence of street lighting was also considered. Although all cases must be judged on their individual merits, floodlights at other villages in sensitive rural locations have been referred to in evidence.⁹ Therefore, the absence of street lighting in the area and the effects of floodlights on the night skies do not lead me to alter my decision.
51. The Council refers to the level of local opposition to the proposal in the context of paragraph 172 of the Framework which says that planning permission should be refused for 'major development' in designated areas, such as AONBs, other than in exceptional circumstances and where it can be shown that the development is in the public interest.
52. The Council submits that because of the level of objection, the development would not be in the 'local public interest'. However, given that the development relates to 6 retractable floodlights, which would be in use for limited periods, in terms of nature, scale and setting, I have already found no

⁸ Abacus Lighting Ltd

⁹ Prestwood and District Sports Centre and Great Missenden Tennis Club

significant effect on the AONB. Therefore, the proposal is not 'major development' for the purposes of paragraph 172 of the Framework.¹⁰ In any case, whilst there is strong opposition to the proposal from some local residents and groups, there is also support from other members of the local community and in the wider area.

53. I have also considered alleged effects relating to parking, traffic and highway safety. Most of the houses that I saw along Elm Road appeared to have private off-road parking, but some residents have said that they have difficulty accessing their properties on match days due to inconsiderate street parking. Shouting from the pitch during matches is also referred to and it is suggested that spectators returning to their parked cars on Elm Road cause late night noise. However, the Council has not indicated that their Environmental Health Department has received complaints over recent years regarding noise and the relevant highway authority has not objected to the proposal.
54. Whilst many residents have referred to problems caused by on-street parking along Elm Road during games, there is no compelling evidence to indicate that the proposed floodlights would lead to a significant intensification of use of the ground or generate extra traffic. Rather, they are intended to enable the club's senior teams to continue to play at the ground at their current league level.
55. A submission on behalf of a group of Elm Road residents suggests, amongst other things, that the Club should have sought to negotiate further with the FA regarding compliance with their requirements. However, I have already found that sufficient evidence has been submitted regarding those requirements, as referred to in footnote 2 above, and that special dispensation was negotiated to enable the club to play its senior games elsewhere this season, pending the outcome of this appeal.
56. The planning history of the site is referred to in various submissions along with the fact that some applications appear to have been retrospective. However, there is no bar in law on successive planning applications. Although retrospective applications are not ideal, the law allows applicants to seek to regularise development which has taken place without planning consent, which may have occurred for a variety of reasons. Therefore, no adverse inference should be drawn based on those aspects in assessing the current proposal, which is not retrospective.
57. The absence of an Ecological report is referred to, but the Council has not expressed concern regarding effects on biodiversity and protected species. Given that the appeal site is already in use as a football ground with existing floodlighting, based on the evidence before me, I see no reason to take a different view from the Council on that issue. Submissions that the Council has not taken effective enforcement action in relation to previous alleged breaches of planning control or conditions should be pursued with the Council, if appropriate.
58. It is acknowledged that the proposal has generated a considerable degree of local interest and some controversy. It is also apparent that there are strong and sincerely held views on both sides of the debate. I have carefully considered the objections of various groups and individuals, including Penn & Tylers Green Residents Society, the Campaign for the Protection of Rural

¹⁰ See Footnote 55 to paragraph 172 on p.50 of the Framework.

England (Buckinghamshire Branch), the Chilterns Conservation Board (CCB), the Chilterns Society and the Parish Council. However, whilst I appreciate that my decision will be disappointing to a significant number of groups and individuals in the community, the various matters raised have either been dealt with in the main issues above or are not of sufficient weight to lead me to alter my decision.

Conditions

59. The Council has suggested conditions which I have considered, making amendments, if necessary, to ensure compliance with the tests contained in the Framework¹¹ and the Planning Practice Guidance (PPG). A condition setting a time limit for commencement of the development is required by statute. It is appropriate for there to be a condition requiring the development to be carried out in accordance with the approved plans for certainty.
60. It is necessary for there to be a condition restricting the hours and periods of use of the floodlights in order to protect the GB, the AONB, heritage assets and the living conditions of nearby residents. The condition imposed is more restrictive than the Council's suggested condition and in line with a condition suggested by the appellant, in recognition of the sensitive location. It is appropriate for there to be a condition restricting the installation of any other external lighting for similar reasons. I have also included a condition to ensure that the 3 existing floodlight poles are removed, as the proposal was made on that basis and it would also help to safeguard the GB, the AONB and heritage assets.
61. I have considered examples of conditions applied to other developments in AONBs, provided by the CCB. However, they are either covered by the above conditions or do not meet the tests of necessity or reasonableness, referred to within the Framework and the PPG, when applied to the circumstances of this case.

Conclusion

62. To sum up, I have found that the proposal would not harm the GB or the AONB. Less than substantial harm to the settings of listed buildings and the CA was identified leading to some conflict with policies LB2 and CA2 of the LP. However, that less than substantial harm is outweighed, applying the provisions of the Framework, by the public benefits of the proposal.
63. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

JP Tudor

INSPECTOR

¹¹ Paragraph 55



Appeal Decision

Site visit made on 19 February 2019

by **Stephen Brown MA(Cantab) DipArch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 April 2019

Appeal Ref: APP/X0415/X/18/3202524

Lands Farm, Barrack Hill, Coleshill, Amersham HP7 0LN

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is by John Peiser against the decision of Chiltern District Council.
 - The application ref. CH/2017/2068/EU, dated 7 November 2017, was refused by notice dated 26 March 2018.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful is sought is the use of land as a residential garden in conjunction with the dwelling at Lands Farm.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. For the avoidance of doubt, I should explain that the planning merits of the existing development are not relevant, and they are not therefore an issue for me to consider in the context of an appeal under section 195 of the Town and Country Planning Act 1990 as amended, which relates to an application for a lawful development certificate. My decision rests on the facts of the case, and on relevant planning law and judicial authority.

Background

3. Lands Farm is a substantial dwelling accessed from a private lane off the north-western side of Barrack Hill, the principal street through Coleshill. The piece for which the LDC is sought is an area of mainly grassed land to the north-east of Lands Farm, separated from it by the lane – which is also a public right of way – leading to the fields beyond. The land has a dense, mainly evergreen, hedge along its south-western boundary, and a brick wall with two gate openings on the north-western boundary. Beyond that wall is a yard with stable buildings. The other two boundaries have fencing, trees, and hedges where the appeal site adjoins residential plots and the site of the village hall.

Reasons

4. The main issue for me to determine is whether the Council's decision to refuse the grant of a LDC was well-founded. In that regard the principal question is whether the use of the land as a residential garden in conjunction with the

dwelling at Lands Farm has subsisted continuously for a period of 10 or more years prior to the date of the LDC application. In a case of this sort the burden of proof is upon the appellant to show that on the balance of probabilities this is the case.

5. The appellant bought Lands Farm in July 2005. In his statutory declaration submitted with the application, he maintains he and his family have used the land as part of their garden since first occupation. This use had included domestic horticulture, planting and tending garden plants and trees, as well as *ad hoc* activities associated with the house. The summer house on the land had been there when the property was bought – and was shown in the estate agent’s sales brochure in 2002. Furthermore, the village fête was held there in June 2006.
6. In a further document submitted by the appellant, he explains that since buying the property the family have used the whole of the land, including the appeal site, and other land around the house for recreation, including cricket with children and grandchildren. Over the years he had grown vegetables and soft fruit, and had cut the grass.
7. The site itself is roughly rectangular, about 75 metres long by 37 metres wide. It is predominantly grassed, except for a semi-circular area defined by the evergreen hedge on the south-western boundary which has an area of gravel hardstanding and a formal bed with birch trees. This latter area is effectively a vehicle turning area off the access lane. There is a summer-house near the north-eastern site boundary, and I also saw a cast-iron seat and a swing-seat. There are a few small trees and shrubs disposed around the site, but otherwise little evidence of cultivation.
8. The garden immediately around the Farmhouse is well contained with high walls and hedging on the boundaries adjacent to the access lane, to the extent that it is not readily visible. The lane itself and the high conifer hedge of the appeal site further separate it from the garden around the Farmhouse.
9. I accept that the grass of the appeal site has been mown, and looking at aerial photographs from before the year 2000 onwards this appears to have been the case throughout. However, mowing of land could well be for other purposes – as a sports pitch for instance, or merely to maintain a tidy appearance – and in itself does not demonstrate use as garden land associated with the house.
10. Moreover, none of the aerial photographs put in by either the appellant or the Council show any particular evidence of horticultural activity or any significant change in the physical appearance of the land, which appears as uniformly grassed. Although I saw that a few trees or shrubs had been planted, it might be expected from what is said by the appellant that vegetable or other cultivation would be apparent, since this is purported to have been continuous since even before the site was owned by Mr Peiser. The evidence is by no means specific as to where such cultivation has taken place, or its extent.
11. Although the appellant refers to holding large annual parties since 2006, he is again by no means specific as to where these have actually been held. Given that the relatively large garden in the immediate vicinity of the house could readily have been used for that purpose, more precise details might be expected.

12. I also accept that a summer-house has been on the land, shown at the earliest on the estate agent's sales brochure of 2002. However, its presence does not necessarily mean it has been used for any particular purpose, or that it has been in continuous use, and none is described.
13. Regarding other activity, there is little to show any continuous or extensive recreational use. One photograph put in by the Council, taken at their site visit in December 2017, shows a portable football goal. This was not there when I saw the site, and the only indications of any leisure use were the two seats.
14. As the appellant acknowledges, in relation to LDC applications for existing uses the government's Planning Practice Guidance advises that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make an appellant's version of events less than probable, there is no good reason to refuse the application, provided the appellant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability¹.
15. I accept the Council do not provide contradictory evidence of substance. However, given the long period over which it is claimed the use has occurred I find it surprising there are, for instance, virtually no photographs from the appellant other than Google aerial images and those from an estate agent's brochure. It might reasonably be expected there would be family photographs of recreational events, parties, or the village fête. Furthermore, there is very limited physical evidence of any changes to the land resulting from the claimed horticultural activities. Nor is there any significant evidence of the sort of domestic paraphernalia that might be expected to accrete over time – such as play equipment, a barbecue, garden shed, or greenhouse. Overall, I find the appellant's evidence to be remarkably thin, providing little precision about the nature of the activities or their continuity, and considerable ambiguity as to the actual location of the activities he refers to.
16. I do not find the appellant's evidence sufficiently precise or unambiguous to demonstrate, on the balance of probabilities, that the use has subsisted continuously for 10 or more years prior to 7 November 2017.

Conclusions

17. For the reasons given above, and regarding all other matters raised, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of use of land as a residential garden in conjunction with the dwelling at Lands Farm, Barrack Hill, Coleshill, Amersham HP7 0LN was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Stephen Brown

INSPECTOR

¹ Planning Practice Guidance – 'Lawful Development Certificates' Paragraph 006 Reference ID: 17c-006-20140306.



Appeal Decision

Site visit made on 26 February 2019

by **P Wookey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 April 2019

Appeal Ref: APP/X0415/W/18/3217126

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr V Hanspal against the decision of Chiltern District Council.
 - The application Ref CH/2018/0480/FA, dated 14 March 2018, was refused by notice dated 23 November 2018.
 - The development proposed is described as the demolition of existing dwelling and erection of a detached 2.5 storey residential building comprising 9 flats, with accommodation in the roof space, basement with vehicular access ramp, the erection of a bin store, and associated landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was lodged the National Planning Policy Framework (the Framework) has been revised. The new version was published and came into effect on 19 February 2019. In light of this, I have sought the views of both parties in writing and taken any subsequent responses into account in reaching my decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

4. The appeal site, No 2 Knottocks Drive, is a prominent, spacious corner plot with Penn Road, which is occupied by an existing detached dwelling. Access to the appeal would be from Knottocks Drive, which is characterised by large detached dwellings with open frontages and as the road progresses further into the estate, the dwellings have a more uniform vernacular, characterised by steep roofs and Anglo-Scandinavian design elements. The appeal site has a green, verdant character.
5. This contrasts with Penn Road, which is a busy arterial road leading to Beaconsfield and is characterised by large detached dwellings and more recent apartment blocks on large plots, set back from the main road frontage. The appeal site is adjacent to the Established Residential Area of Special Character.

6. The development proposed would demolish the existing property and construct a detached 2.5 storey building, containing 9 flats. Parking would be in a basement facility, accessed via a ramp. Most of the existing mature trees around the boundaries would be retained.
7. From Penn Road the visibility of the appeal site would be largely obscured by the retained mature trees along the boundary and therefore the visual effect of the development proposed would be significantly less from this perspective. Whilst the appellant contests that the appeal site is not characteristic of other properties along Knottocks Drive, it is from this perspective, by reason of its scale, design and bulky appearance that the new building would have the greatest visual impact. It would be markedly different to the prevailing pattern of development and in this context it would appear as incongruous and a harmful addition to the streetscene along Knottocks Drive.
8. The design of the new building aims to represent two detached dwellings, connected by a flat roofed, glazed link section in the middle connecting the two wings of the building. Accommodation would be incorporated in the roofspace and the resulting visual effect would be a building of scale and design significantly larger and uncharacteristic to the other dwellings along Knottocks Drive. The glazed mid-section would not be a characteristic architectural feature of this predominantly residential area, and therefore it would be visually intrusive and have an unbalancing effect on the established pattern of development.
9. The appellant has referred to recent apartment developments in the vicinity, mainly on Penn Road, which I observed during my site visit. These were generally set back slightly from the road frontage and are visually prominent, which did not make them directly comparable to the development proposed, which would be partially screened by the trees along its boundary and set in a significantly different pattern of surrounding residential development.
10. Further, whilst the new building has reasonable separation distances from the site boundaries, by reason of its sheer scale and bulky appearance, it would nevertheless appear to be a cramped form of development and not typical of the prevailing pattern of spacious development on other parts of Knottocks Drive.
11. I therefore conclude, that the development proposed would be contrary to policies GC1 and H3 of the Chiltern District Local Plan (1997) (including alterations adopted 2001) Consolidated 2007 and 2011 (LP) and policy CS20 of the Core Strategy for Chiltern District (2011) (CS), which seek amongst other things to ensure development respects the character and appearance of its surroundings and achieves high standards of design.

Other Matters

12. The appellant has made reference to the planning history of the appeal site, but on the basis of the evidence submitted, these schemes were significantly different in scale and design. Therefore, they have not altered my decision, which has to be based on the merits of the appeal proposal and the evidence submitted.

13. Whilst the appellant has referred to issues during the council's decision-making process, these are not matters to be considered in a Section 78 appeal.
14. I note that the appellant has stated that the appeal site is in a sustainable location and that the development proposed would be an effective and efficient re-use of the land. However, this factor alone would not outweigh the harmful effects identified with regards the main issue and its failure to comply with the development plan policies

Conclusions

15. For the reasons given above, the appeal is dismissed.

Paul Wookey

INSPECTOR

Appeal Decision

Site visit made on 26 February 2019

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th March 2019

Appeal Ref: APP/X0415/W/18/3216486

Whitethorns Farm, Ashley Green Road, Chesham, Buckinghamshire

HP5 3PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Stanley against the decision of Chiltern District Council.
 - The application Ref CH/2018/0679/FA, dated 12 April 2018, was refused by notice dated 2 November 2018.
 - The development proposed is described as Agricultural building (Unit 2) part retrospective involving alterations and retention of part of building the subject of enforcement notice 2015/00016/AB/EN1.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. From my site visit I noted that Unit 2 has already been constructed.

Main Issues

— The site falls within an area of Green Belt. Accordingly, the main issues in this case are: a) Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy; and b) the effect of the development on character and appearance of the area.

Reasons

Inappropriate development

4.3. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the green Belt, subject to a number of exceptions as set out in paragraph 145. One of the exceptions is a building for agricultural use.

5.4. The saved policies GB2 and GB27 Chiltern District Local Plan (1997, Consolidated September 2007 and November 2011) (LP) states that most development in the Green Belt is inappropriate with certain exceptions, including agricultural buildings providing the proposed building is reasonably

required for the functioning of the agricultural enterprise. Therefore, both of these policies are consistent with the Framework.

~~6.5.~~ Unit 2 forms part of three agricultural units, forming an 'L' shape, with Units 1 and 2 being linked and the detached Unit 3 located a short distance across the yard. During my site visit I observed that Unit 1 was being used for cattle and Unit 2 for hay storage. Structural alterations were being made to Unit 3 and therefore was not in use. Elsewhere on the farm yard there are a number of older agricultural buildings, some of which were in relatively poor condition.

~~7.6.~~ The Council's agricultural consultant had concerns that by reason of the siting outside of the established farm yard, the applicant had not demonstrated that the building is reasonably required for the functioning of the agricultural enterprise and that's its use would not be an identified need for the building in its first instance. However, based on the use as shown in the application and on my own observations, Unit 2 was being used for agricultural purposes. I have therefore concluded that it meets the exception set out in paragraph 145 of the Framework and as an agricultural building it is not inappropriate development within the Green Belt and the appeal has been determined on that basis.

Character and Appearance

~~8.7.~~ Unit 2 forms part of a group of buildings at Whitethorns Farm which is located on the brow of Nashleigh Hill and is highly visible from the roads approaching Ashley Green and from Chesham within the Chess Valley. It sits within the Green Belt and within the Chilterns Area of Outstanding Natural Beauty (AONB), to which the Framework attaches great weight in order to conserve its landscape and scenic beauty

~~9.8.~~ Unit 2 is an existing building attached to Unit 1, adjacent to the detached Unit 3, which together form an 'L' shaped layout. It is the same height as Unit 1 and both are constructed of the same materials of green coloured cladding to the front and side elevations and grey fibre cement roofing material. Unit 2 has a footprint of approximately 283m² and a height of approximately 6.7m.

~~10.9.~~ It has a box like design, which when combined with its height and strident colours results in it having an adverse visual impact on the skyline and with its rural surroundings. The appellant has proposed no changes to the design or use of materials but has proposed tree planting to provide a screening effect. Given that Unit 2 is in such a prominent location, highly visible from a wide area, I am not persuaded that the planting of trees would achieve the necessary screening effect and therefore it would continue to have a significant adverse impact on the appearance of the surrounding area.

~~11.10.~~ I have therefore concluded that as Unit 2 is not inappropriate development it complies with policy GB2, but due to its significant adverse visual impact on the surrounding character and appearance it would be contrary to policies, GB27 and LSQ1 of the LP and CS19, CS4, CS20 and CS22 of the Core Strategy for Chiltern District (2011) (CS) and the Framework, which when read together seek to preserve or enhance the special landscape character of the AONB and the Green Belt and where development is permitted it should be of the highest quality design and sustainable form of development.

Other Matters

~~12.11.~~ The appellant asserts that Unit 2 is resonant of the appearance of other agricultural buildings, but also acknowledges that Whitethorns Farm is in a unique location on the brow of the hill, when most other farmsteads nearby are in the bottom of valleys, suggesting that it is supported by guidance in the AONB Chiltern Buildings Design Guide. In this case, it is its very appearance and its resulting significant adverse visual impact that makes it harmful in this location.

~~13.12.~~ Whilst the appellant has stated that Unit 2 is required to justify the economic need for Unit 2, I have attached little weight to this when making my decision, as it would not outweigh the harm to character and appearance identified.

~~14.13.~~ I have also noted the appellants reference to case law¹, but as I concluded that Unit 2 is not inappropriate development within the Green Belt the impact on openness is implicitly taken into account in the exceptions to development stated in paragraph 145 of the Framework and therefore is not a determinative factor in this case and has not been assessed further.

~~15.14.~~ I have had regard to the fall-back options put forward by the appellant, including the use of trailers, sheeting and fencing to provide protection for the storage of hay. However, these options would result in significant visual harm and impact on the farm's red tractor status and produce high levels of wastage. On the limited information submitted I have therefore attached only limited weight to the fall-back options presented as there is no certainty they would be implemented for the reasons set out above.

~~16.15.~~ Whilst I note the Council's officer's report makes reference to an agreement in writing by the applicant to demolish a substantial part of Unit 2, which would open up the space between Units 1 and 3, no copy of that agreement has been submitted as evidence and therefore it has had no significant bearing on my decision. I note the appellants reference to matters relating to the delay in the decision-making process, which are not matters for consideration in a Section 78 appeal.

~~17.16.~~ I have been made aware that the development has been subject to a previous appeal. I am not bound by the previous Inspectors decision and have based my decision on the planning merits of the application and on the evidence submitted.

Conclusions

~~18.17.~~ While the scheme is not inappropriate development in Green Belt policy terms, I have identified significant harm to the character and appearance of the area, contrary to the development plan and there are no material considerations of sufficient weight to indicate a decision otherwise than in accordance with the development plan. For the reasons given, the appeal is dismissed.

Paul Wookey

INSPECTOR

¹ Lee Valley Regional Park Authority v Valley Grown Nurseries Ltd (2016)



Appeal Decision

Site visit made on 13 March 2019

by JP Tudor Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 18 April 2019

Appeal Ref: APP/X0415/W/18/3214700

Sunnyside, London Road, Chalfont St Giles, Buckinghamshire HP8 4NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Durston against the decision of Chiltern District Council.
 - The application Ref PL/18/2180/FA, dated 7 June 2018, was refused by notice dated 18 October 2018.
 - The development proposed is demolition of existing garage, erection of two-storey side extension to form one flat and erection of a detached rear building to form one flat with associated garage and hard landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development in the banner heading above from the Council's decision notice and the appeal form, rather than from the planning application form, as the proposal was amended before the Council reached its decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the living conditions of occupiers of a neighbouring bungalow, known as Bon Accord, with particular regard to outlook;
 - the living conditions of future and existing occupiers, with particular regard to privacy, noise and disturbance and outlook; and,
 - the character and appearance of the area.

Reasons

Living conditions of neighbouring occupiers

4. The appeal site comprises a two-storey detached dwelling, which sits in a prominent, elevated position on the east side of London Road, near a roundabout. It is divided into flats. To the rear is a courtyard and an unprepossessing garage/workshop structure. It is here that the new detached building, with a garage area on the ground floor and residential accommodation above, would be built into the bank, as the land rises.

5. The new building would stand adjacent to the patio and garden of a neighbouring bungalow, known as Bon Accord, which lies immediately to the south. The design was amended during the application process to increase the set-in from the shared boundary to between 5 and 6 metres. Nevertheless, the building would still form a substantial structure, with its gable end and pitched roof rising some 7.8 metres to the ridge, above the boundary fence and existing vegetation. It would be significantly higher than the existing single storey garage/workshop structure and project beyond the rear elevation of the adjacent bungalow.
6. I had the benefit of viewing the appeal site from Bon Accord during the course of my site visit. Views would be oblique from the rear windows of that dwelling. However, the overall height, bulk, design and proximity of the new detached building would have an overbearing and visually intrusive effect, seen from the rear patio and rising garden of that modest neighbouring bungalow. Therefore, I conclude that the proposed rear building would have a significant adverse effect on the living conditions of occupiers of that neighbouring property, with particular regard to outlook.
7. Consequently, that element of the proposal would conflict with policies GC3 and H14 of the Chiltern District Local Plan (LP)¹, which seek to ensure that development protects the living conditions of occupants of neighbouring properties from significant harm. Although the LP is of some age, the policies relevant to this appeal appear to be broadly consistent with the National Planning Policy Framework (the Framework).² The scheme would also conflict with paragraph 127 f) of the Framework, which seeks to ensure a high standard of amenity for existing users.

Living conditions of future and existing occupiers

8. The new detached building would be across the courtyard to the rear of the main house and its proposed side extension. According to the Council, there would be a distance of only about 8.5 metres between the buildings, although the appellant suggests that it would be slightly more.
9. Based on the submitted plans, the one bedroom first floor flat, within the rear detached building, would have two windows facing directly towards the courtyard, main house and side extension, one of which would serve a living room and the other a landing. A first floor bedroom window in the flat in the new side extension would face towards it. There are also several dormer, first floor and ground floor windows within the rear elevation of the main house opposite the proposed detached building.
10. It seems to me that, given the relatively limited separation distance and the orientation of the buildings, the relationship would inevitably result in overlooking and the perception of being overlooked. Consequently, there would be a harmful effect on the privacy of occupiers of the new detached building, the proposed side extension and existing flats within the main house.
11. Much of the ground floor of the rear detached building would be taken up by a sizeable garage, with three doors, whilst a further parking space would be located in the courtyard. They would be accessed from the main drive via an

¹ Adopted 1 September 1997 (including alterations adopted 29 May 2001), Consolidated September 2007 & November 2011

² Published February 2019

opening beneath the proposed side extension. Given the relatively constricted space within the courtyard, it is likely that there would be a good deal of manoeuvring of vehicles in this area. The constraints of the site mean that would be close to ground floor windows of the main house and to other new and existing residential units above.

12. The parking arrangements would, therefore, be likely to cause significant noise and disturbance to occupiers of the existing house and the proposed new units. An Inspector who dealt with a previous appeal at the site³ took a similar view and considered that it would be difficult to effectively control the hours and frequency of such movements. Whilst there are differences between that scheme and the current proposal, I still have serious concerns regarding the parking elements and the likely resulting noise and disturbance within a confined courtyard from, for example, engines starting, vehicles manoeuvring, headlights at night and car doors slamming.
13. It is appreciated that the design seeks to satisfy the Council's parking space requirements, relative to the number of residential units. However, taking into account the constraints of the site, the number of units and the likely level of parking in the garage and courtyard area, the noise and disturbance connected with vehicle movements would cause harm to the living conditions of residents. Given the cumulative total of individual residential units at the site, with associated parking, which would result from the development, I do not agree with the appellant that the situation or negative effects would be equivalent to two properties sharing one or two parking spaces.
14. The Council's decision notice and appeal statement also refers to a poor or negative outlook for future occupiers of the rear building. However, although some windows of the new first floor flat would face towards the higher main house, the submitted plans indicate that French windows serving a living room, and kitchen and bedroom windows would face out onto a rear garden area. Therefore, whilst one living room window would face towards the house a short distance away, on balance, I do not consider that future occupiers would suffer from significantly poor outlook.
15. The above factors lead me to conclude that, whilst outlook would be acceptable, the proposed development would provide poor living conditions for future and existing occupiers, with regard to privacy and noise and disturbance. Therefore, the proposal would be contrary to LP policy GC3 and the Framework⁴, which seek to safeguard living conditions for existing and future occupiers from significant harm.

Character and appearance

16. Although the Council does not express concern about the side extension, it holds that the rear detached building would exacerbate the cramped nature of development on the site and have an adverse effect on the character and appearance of the area. However, given the sizeable nature of the existing two storey house, with the proposed side extension providing further screening, there would be very limited views from London Road of the development to the rear, which I understand has been reduced in scale compared with previous schemes.

³ APP/X0415/A/12/2186975

⁴ Paragraph 127. f)

17. Whilst it would be seen by occupiers of the existing main house and some neighbours, there is already built form to the rear in the shape of a somewhat unappealing garage/workshop structure with its corrugated roof. In that context, although an extra storey would be added, I do not see that the proposed design would have a materially adverse effect on the character and appearance of the area. Therefore, it would not conflict with LP policies GC1, H3 and H11 or policy CS20 of the Core Strategy for Chiltern District⁵, insofar as they seek to ensure that development and design respect the character and distinctiveness of the relevant area.

Other Matters

18. The appellant's 'Planning Support & Design & Access Statement' and the previous appeal decision, already referred to, indicate that the former Pheasant Inn, opposite the appeal site, is a grade II listed building. The Council has not referred to heritage assets and, as it is on the other side of a reasonably wide road, I do not consider that the proposal would have a detrimental effect on the setting of that listed building.

Conclusions

19. The Council has not objected to the proposed side extension. Whilst I have considered the possibility of issuing a split decision, in functional terms, there would appear little purpose in allowing a side extension dominated by a vehicular underpass to access the rear of the site, without the other part of the scheme to the rear being approved. Moreover, the appellant has not signalled any interest in such a possibility.
20. Overall, I have not found harm in respect of outlook for future occupiers of the site or to the character and appearance of the area. However, harm has been identified to the living conditions of neighbouring occupiers at Bon Accord, with regard to outlook. Additionally, I have found that there would be adverse effects on the living conditions of future and existing occupiers of the appeal site, in relation to privacy and noise and disturbance. These harmful effects are significant compared with any limited benefits associated with the proposal, such as the provision of some additional residential accommodation and the use of previously developed land, supported by the Framework.
21. Even if there were no 5-year housing land supply, the adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits of the proposal, when assessed against the policies in the Framework, taken as a whole. The most relevant Framework policies have already been referred to.
22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

JP Tudor

INSPECTOR

⁵ Adopted November 2011



Appeal Decision

Site visit made on 12 March 2019

by Rachael A Bust BSc (Hons) MA MSc LLM MInstLM MCMi MEnvSci MRTPI
an Inspector appointed by the Secretary of State

Decision date: 02 April 2019

Appeal Ref: APP/X0415/W/18/3212793

Land south of substation, Lycrome Road, Lye Green HP5 3LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Harmony Energy Storage Ltd against the decision of Chiltern District Council.
 - The application Ref PL/18/2421/FA, dated 21 June 2018, was refused by notice dated 24 August 2018.
 - The development proposed is energy storage facility to provide energy balancing services to the National Grid.
-

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. An updated revised National Planning Policy Framework (the Framework) was published on 19 February 2019. I have had regard to the updated revised Framework. However, as the amendments are not directly relevant to this appeal proposal, I have not re-consulted the main parties.

Main Issues

3. The main parties have agreed that the appeal proposal would constitute inappropriate development in the Green Belt. Having regard to Saved Policy GB2 of the Chiltern District Local Plan¹ (LP) and the Framework I see no reason to disagree with the main parties on this point. Accordingly, the main issues are:
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - Whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

¹ The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011

Reasons

Openness

4. The parties agree that the proposal constitutes inappropriate development in the Green Belt. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. In considering openness an assessment of both a spatial and a visual aspect is needed.
5. The appeal site is part of an undeveloped grassed field and is currently used for grazing horses. From Lycrome Road this area provides a sense of openness which flows through the dispersed settlement pattern of Lye Green.
6. The proposed development comprises 38 banks of battery energy storage units together with associated supporting infrastructure. The battery containers themselves would be a stated 2.2m high and the tallest element of the scheme would be the 33kV metering house which would be a stated 4.045m high. Notwithstanding this represents a reduction in the bulk and scale from the previous scheme² on a nearby site. However, it would still introduce substantial built development where there is currently none and this is a fact that is recognised by the appellants.
7. It would be seen in a variety of public viewpoints. The predominant viewpoint would be from the public right of way (CHS/66/1) which aligns with the proposed access road for the site, heading north-west. This right of way also provides longer range views through the appeal site and beyond to the north-east. These longer views have been somewhat eroded with the introduction of the existing electricity sub-station. Consequently, the appeal development, together with the proposed landscaping (which I note would take approximately 15 years to mature according to the appellants Landscape and Visual Appraisal), would diminish these long-range views still further.
8. Therefore, I find that the spatial and visual presence of the proposed development would harm the openness of the Green Belt.

Character and appearance

9. The appeal site set within a larger field does have a degree of enclosure; however, the undeveloped nature and rural use of field does make a positive contribution to the rural character and appearance of Lye Green. As such the introduction of further industrial style utilitarian development would represent an erosion of the positive contribution that the site as part of the wider field makes to the rural character and appearance of the dispersed settlement pattern of Lye Green. I find therefore that it would harm the character and appearance of the surrounding area and conflict with Saved Policies GC1 and GB30 of the LP which both aim to ensure development respects its surroundings.

² Appeal decision APP/X0415/W/17/3174634

Other considerations and the Green Belt balance

10. Given that it is not disputed that the appeal proposal constitutes inappropriate development in the Green Belt, paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Consequently, very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I now turn to these other considerations.
11. It is recognised that as part of the transition to a low carbon economy National Grid needs to balance the supply and demand for electricity. As such battery storage represents one solution to the balancing process. The batteries would be charged solely from the intermittent renewable energy sources (predominantly wind and solar energy) during low network demand and then released into the National Grid when required to balance electricity demand and ensure a constant supply of power. Whilst I recognise National Grid's approach to the planning system, I do note that they are agnostic about the proposed technology.
12. I acknowledge that for battery storage projects to be developed their connection to the Grid has to be both financially and technically viable. The appellants contend that because the appeal site is within close proximity of a strategic substation with available capacity it is therefore both financially and technically viable. I recognise that the majority of the search area surrounding this particular substation is within the Green Belt.
13. The relevant distribution company covers a wide area including London, the South East and East of England. Given the appellants' focus on the chosen substation at Lye Green, I have insufficient evidence presented to me which would help me to understand whether this is the only strategic substation with available capacity in the overall geographical area covered by the distribution company. I note the response from the distribution company indicates that there are very few substations within their network with available capacity. However, I am not satisfied that this represents substantive evidence relating to this point.
14. Even if I were to accept that this substation is the only one with available capacity within the whole of the distribution company's area, there is no detailed evidence before me that demonstrates what other options have been explored to justify the very special circumstances that would enable the development to be permitted in this particular Green Belt location. For example, siting the battery storage within the confines of the existing strategic substation compound. Given that this appeal proposal also involves a different scale of proposal and incorporates different batteries to those proposed in the previous scheme, it would suggest that there is some flexibility in the choice of technology and therefore the scale of the development.
15. I note that the appellants indicate that the previous Inspector accepted the locational constraints and there were no other suitable sites. Be that as it may, I must determine this appeal on the evidence presented to me and as such I do not have the benefit of seeing the evidence that was before the other Inspector.

16. It is acknowledged that the appellants have sought to respond to concerns of both the Council and the Inspector in relation to the previous scheme. Paragraph 3.22 of the Planning Statement indicates that the scheme would have an energy storage capacity of 25 megawatts. However, this figure is not set in a context in order to demonstrate what contribution this storage facility would make to the Grid as a whole. This type of energy storage would make a positive contribution to the process of decarbonising the energy supply and as such it carries moderate weight.
17. The appellants have made reference to the potential removal of land from the Green Belt³. However, any changes to the Green Belt boundaries are a strategic matter to be determined through the Local Plan process and not an individual planning application or appeal. In addition to comments regarding the Green Belt as covered above, interested parties have also raised concerns regarding the implications of the proposed development for human health and noise. I have no substantive evidence before me regarding the health point. A Noise Impact Assessment was submitted with the application. Whilst I recognise concerns about noise measurements at night, the Council's Environmental Health Officer did not share these concerns and indicated that the proposed acoustic fence should be subject to a planning condition if planning permission were acceptable in all other respects. I have no alternative evidence to persuade me otherwise and therefore I agree with the Council in relation to noise.
18. Paragraph 147 of the Framework indicates the wider environmental benefits may constitute very special circumstances to facilitate renewable energy projects. The ability to store energy generated from renewable sources could assist in the production of more energy from renewable sources. However, there is no proven direct link demonstrated that would be the case in this scheme.

Conclusion

19. Taking into account all of the points raised, including the landowners' support, I find that the other considerations in this case do not clearly outweigh the harm I have identified. Consequently, the very circumstances necessary to justify the appeal proposal do not exist. The adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the development plan and the Framework taken as a whole.
20. For the reasons set out above, having regard to all matters raised, the appeal should be dismissed.

Rachael A Bust

INSPECTOR

³ Chiltern and South Bucks District Councils Emerging Local Plan - Green Belt Development Options Appraisal, published November 2017



Appeal Decision

Site visit made on 28 March 2019

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 9th April 2019

Appeal Ref: APP/X0415/D/19/3222119
40 Copperkins Lane, Amersham HP6 5QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs S. Saywell against the decision of Chiltern District Council.
 - The application Ref: PL/18/3422/FA dated 17 September 2018, was refused by notice dated 16 November 2018.
 - The development proposed is car port.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the appearance and character of the local area.

Reasons

3. The appeal property is a recently built, detached dwelling on a good sized plot on the north east side of Copperkins Lane. It has a gravel driveway to the front with entrance gates and a laurel hedge planted along the front boundary.
4. The proposal would introduce an open sided car port in the south east corner of the front garden, measuring 6m by 6m with a flat, glazed sloping roof, 2.6m at the front reducing to 2.3 m at the rear.
5. The detached houses of individual design on both sides of the road are set back from the road frontage with generally planted and landscaped front gardens, which together with the deep grass verges and mature street trees on either side provide a very verdant and attractive setting to the local area, all of which contribute to the distinctive character and appearance of the local area. I am advised that the site is situated within an Established Residential Area of Special Character although limited information is provided in this respect. Nonetheless, the very verdant character and appearance of Copperkins Lane contributes to its local distinctiveness.
6. Whilst the majority of the houses in the vicinity of the appeal site do not have garages forward of the main dwellings and encroaching into the front garden areas, there are a small number of exceptions, mainly on the other side of the road. Most of these, although higher than the proposal before me, are set further back from their front boundary and so have limited impact on the

- character and appearance of the local area. I agree that there are one or two exceptions where the garages are sited closer to the frontage and are very prominent and visually discordant in the street scene, including on the side of the road of the appeal property.
7. The proposed design of the carport before me would keep the structure as simple, open and low as functionally possible. However, even with the laurel hedge in front, I still consider that the structure and glazed roof would be seen in front of the dwelling tight to the front boundary and from various places approaching the property both to the south east and more particularly the north west. Although I do not consider that the relationship would detract from the character and appearance of the existing dwelling, taken on its own, the introduction of a built form so close to the frontage would harmfully detract from the more verdant and open setting to the appeal dwelling and street scene.
 8. I agree that there are a very small number of exceptions where there is a garage built close to the front boundary, including close to the appeal property. However, I have no further information in respect of these garages, and each proposal must be considered on its individual merits. I do not consider that the existence of a very small number of examples of visually over prominent garages close to the front boundary is a reason to permit another, even taking into account the differences in the design, given the harm I have found.
 9. I therefore conclude that the proposal would unacceptably harm the character and appearance of the local area. This would conflict with Policies GC1, H13 (ii) and H20 of the Adopted Chiltern District Local Plan 1997 (including the Adopted Alterations May 2001 and July 2004) Consolidated September 2007 & November 2011, Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011) and the Residential Extensions and Householder Development SPD - Adopted 10 September 2013 as well as the National Planning Policy Framework, and in particular Section 12, all of which seek a good standard of design which respects the local context and local distinctiveness.
 10. I have sympathy with the Appellants' personal reasons for seeking to park cars under cover, but these reasons do not justify me granting planning permission, given the harm I have concluded to the character and appearance of the local area. The Appellant has offered to accept a condition to ensure that the open sides of the car port would not be subsequently infilled, but for the reasons set out above, that would not overcome the harm I have found.
 11. The previous planning history includes for a proposed garage which was refused permission by the Council and dismissed at appeal under the reference: APP/X0415/D/15/3140656. I have been provided with a copy of that decision. Although I agree with the Inspector's findings in respect of the character and appearance of the local area, I have noted the clear differences in that proposal and the proposal before me. My decision is based on the planning merits of the proposal before me.
 12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR



Appeal Decision

Site visit made on 28 March 2019

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 1st April 2019

Appeal Ref: APP/X0415/D/19/3222124
26 Abrahams Close, Amersham HP7 9FA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Miss Hoar and Cox against the decision of Chiltern District Council.
 - The application Ref: PL/18/4129/FA dated 7 November 2018, was refused by notice dated 15 January 2019.
 - The development proposed is rear dormer to facilitate a loft conversion.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Amended plans were received at the application stage which reduced the size of the dormer and were the plans determined by the Council. These are therefore the plans which are also before me for determination.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the existing property and of the local area.

Reasons

4. The appeal property is a recently built mid-terrace, two storey property in a small residential estate with a mix of properties, including some detached properties as well as a small development of flats.
5. The proposal relates to a rear dormer. The proposed dormer would be centrally sited on the rear roof slope and set in from the roof edges. Nonetheless it would, by reason of both its width and height and therefore overall size, be a very prominent and over dominant feature on the rear roof slope and in relation to the modest scale of the property, including its roof form. The dormer and its window would be wider than the existing window at first floor level which would further exacerbate its overly large scale and form.
6. Although sited at the rear, it would be seen from other rear gardens as well as the passageway running along the rear gardens and the public footpath further to the rear. From all these viewpoints, the proposed dormer would be an incongruous and overly large addition to the property and the terrace. This would detract from the character and appearance of the local area.

7. I therefore conclude that the proposal would harm the character and appearance of the existing property and of the local area. It would conflict with Policies GC1, H13, H15 and H18 of the Chiltern District Local Plan 1997 (including alterations Adopted 29 May 2001) Consolidated September 2007 & November 2011 and Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011) and the Residential Extensions and Householder Development Supplementary Planning Document (September 2013) as well as the National Planning Policy Framework, and in particular Section 12 on *Achieving well-designed places*, all of which seek a good standard of design which respects the local context.
8. I acknowledge the reasons for the proposed design and in particular the need to ensure adequate headroom within the proposed loft room, but these reasons do not outweigh the harm I have concluded.
9. The Appellants have provided evidence of other loft dormers which have been granted permission in the wider locality. Each proposal must be considered on its individual merits, but I have, nonetheless, taken these other examples into account. However, I am not persuaded that they are directly comparable with the proposal before me and that planning permission should be granted in this case, given the harm I have concluded.
10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR