

CHILTERN DISTRICT COUNCIL - PLANNING COMMITTEE - 27th June 2019

INDEX TO APPLICATIONS ON MAIN LIST OF REPORT

Chesham

PL/18/3540/FA Ward: Asheridge Vale And Page No: 2

Lowndes

Proposal: Construction of single storey building for use in conjunction with nursing home.

Recommendation: Conditional Permission

The Willows, 110 Chartridge Lane, Chesham, Buckinghamshire, HP5 2RG

Chesham

PL/18/4879/FA Ward: Asheridge Vale And Page No: 7

Lowndes

Proposal: Demolition of existing structures and the construction of a 3 storey block of 9 flats with associated parking, cycle/bin storage and landscaping.

Recommendation: Refuse permission

Chesham Service Station, Asheridge Road, Chesham, Buckinghamshire, HP5 2NT

Chesham

PL/19/0450/FA Ward: Asheridge Vale And Page No: 16

Lowndes

Proposal: Redevelopment of the site to provide 6 dwellings (4 apartments and 2 houses) with associated access, amenity and car parking.

Recommendation: Conditional Permission

212 Chartridge Lane, Chesham, Buckinghamshire, HP5 2SF

Chesham

PL/19/0655/FA Ward: Hilltop And Townsend Page No: 26

Proposal: Two storey front extension, first floor front and side extensions, roof extensions with rear dormer and front and rear rooflights, subdivision to form 5 residential flats, changes to fenestration, associated hardstanding and landscaping, erection of boundary wall and widening of existing vehicular access.

Recommendation: Conditional Permission

55 Gladstone Road, Chesham, Buckinghamshire, HP5 3AD

Penn

PL/19/1264/VRC Ward: Penn And Coleshill Page No: 34

Proposal: Variation of condition 12 of planning permission PL/18/4331/FA (Redevelopment of site to provide three new dwellings with two detached garages and one carport, creation of two new vehicular accesses and associated hardstanding) to allow design changes

Recommendation: Conditional Permission

Woodchester, Woodchester Park, Knotty Green, Buckinghamshire

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 27th June 2019

PL/18/3540/FA

Case Officer: Lucy Wenzel
Date Received: 25.09.2018
Parish: Chesham
App Type: Full Application
Proposal: Construction of single storey building for use in conjunction with nursing home.
Location: The Willows
110 Chartridge Lane
Chesham
Buckinghamshire
HP5 2RG
Applicant: Mrs Lynne Woodstock

Decide by Date: 24.06.2019
Ward: Asheridge Vale And Lowndes

SITE CONSTRAINTS

Adjacent to C Road
Within Green Belt other than GB4 GB5
North South Line
Townscape Character

COMMITTEE CALL IN

Councillor Bacon has called this application forward to planning committee should the recommendation be for approval.

SITE LOCATION

The application site is located to the west of Chesham to the western side of Chartridge Lane. The site accommodates a care home which is located within a large detached building set to the front of a long narrow plot. The scale of the building and plot depth reflects neighbouring dwellings along Chartridge Lane.

THE APPLICATION

The application seeks planning permission for the erection of a single storey building to be used in conjunction with the nursing home.

The building measures approximately 12 metres in width with a depth of 6.1 metres. The roof will be pitched with a ridge height of 3.45 metres and eaves of 2.45 metres.

RELEVANT PLANNING HISTORY

CH/1996/0835/FA - Alterations and change of use of dwelling house to residential home for the elderly. Conditional permission.

CH/2010/0491/FA - Retention of detached outbuilding. Conditional permission.

CH/2010/1102/FA - Variation of Condition 3 of planning permission CH/1996/0835/FA in order to permit residential accommodation and car for up to 11 people and a single storey front extension. Conditional permission.

CH/2017/0900/FA - Replacement of outbuilding (retrospective). Conditional permission.

TOWN COUNCIL - Received on the 30th October 2018

"Whilst cognisant of the need to be legally compliant in respect to conditions laid down for nursing homes, the Committee would not wish to see a precedent being set for similar single dwellings in the area that may become private homes."

REPRESENTATIONS

Eight letters of objection have been received from neighbouring dwellings. Their comments have been read in full but have been summarised for ease below:

- The proposed building will impact upon the privacy and enjoyment of neighbouring gardens.
- Light pollution will occur if the proposed building is granted permission.
- Noise and disturbance will result from the use of the building.
- The building proposed is of a large scale which is not required to be so big to house a member of staff.

CONSULTATIONS

Buckinghamshire County Council's Highways Authority - Received 25th October 2018

"The proposed development has been considered by the County Highway Authority who has undertaken an assessment in terms of the expected impact on the highway network including net additional traffic generation, access arrangements and parking provision. The Highway Authority is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway.

Mindful of the above, the Highway Authority raises no objections and in this instance no conditions to include on any planning consent you may wish to grant."

POLICIES

National Planning Policy Framework (NPPF), February 2019

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011: Saved Policies GC1, GC3, H19, CSF1, TR11 and TR16

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

Principle of Development

1. The application site is located within the built-up area in Chesham, Policy H19 states that the erection of small self-contained residential annexes for domestic staff may be granted in exceptional circumstances where the Council considers that an extension is not appropriate. Additionally, Policy CSF1 provides a general policy for the provision of community services and facilities in the built-up areas stating that community buildings often provide a vital function in the built-up areas of the District.

2. Having regard to the above it is proposed to erect a detached self-contained annexe to the rear of The Willows to provide additional accommodation for care staff in association with The Willows. In terms of the proposed annexe it would be sited to the rear of the main building with no external access routes apart

from entering and exiting directly through The Willows. The care home is already of a scale which is considerable in comparison to other dwellings in the surrounding locality and has significant widthways spread reducing the potential to extend the building to accommodate extra staff accommodation internally. In assessing the proposed scale of the annexe, it measures 72 square metres which is larger than what would normally be regarded as small for the purposes of Policy H19. However, contained within the annexe is a bedroom, bathroom, two storage areas and an area of amenity space which encompasses the kitchen, dining room and living room. Although the scale is acknowledged, the provision of space for those staff members utilising the building is deemed appropriate in its scale and the provision of extra storage amenities will further increase storage availability for the care home. As such the proposed annexe is acceptable having regard to Policy H19.

3. Further to the provision of additional staff accommodation, the Manager of the Care Home has stated that following a fire safety inspection on the 4th April 2018, it was specified that an additional member of staff was required to be on site at all times in case that a fire broke out. This is to assist in the aid of those persons living in the care home to exit the premises. This helps clarify the need for the additional built form on site and as aforementioned the care home has constraints which reduce the acceptability of an extension.

Character/appearance and design

4. The proposal seeks to erect an outbuilding to the rear of the nursing home within its plot. The outbuilding will be sited horizontally within the plot extending to near the full width. Within the plot sited to the rear of the existing care home are already a number of outbuildings which provide additional storage facilities for the nursing home. The proposed outbuilding will provide additional accommodation for care staff that is required on site as there is limited space within the existing care home to provide extra accommodation for staff and additionally, the building has already been extended as laid out in the planning history above. Likewise, given the limited space available within the existing care home the building will additionally provide storage space for the storage of facilities used within the care home. The outbuilding is sited roughly about half way down the plot and extends close to its full width. It will be positioned behind two existing outbuildings which will form a small cluster of built form towards the rear of the site.

5. When viewing the proposed development in the context of Chartridge Lane there are a number of outbuildings and structures sited within the rear plots of dwellings which vary greatly in scale and location. Additionally, the principal building line along Chartridge Lane is strong but to the rear there are a number of structures which have no rigid positions within the site boundaries. Taking these points into account, the proposed outbuilding will not divert from the existing character of plots nor will it introduce rear built form as it is already in existence. Therefore the proposed annexe has minimal negative impact upon the character and appearance of Chartridge Lane and is considered to be acceptable having regard to Policies GC1 and CS20.

Residential Amenity

6. In terms of the impact that the proposal will have upon neighbouring residential amenities it is acknowledged that the building will be sited within the rear of the plot serving the care home and as such the building will be visible from neighbouring dwelling when looking out towards the rear. In this regard, as aforementioned there are already rearwards sited buildings contained within the boundaries of the care home plot and as such the current proposal would be viewed within the context of a cluster of buildings. The building proposed is single storey in height, does not have considerable depth and is unobtrusive and simple in its form. The rear gardens of the dwellings lining Chartridge Lane are considerable in depth and when viewing aerial photographs from Council records it is clear that a number of dwellings have rear built form spread inconsistently across the depths of their plots. This therefore sets an acceptability for the provision of built form to the rear. However it is acknowledged that the building will be visible from the surrounding dwellings given the rearwards siting. Nevertheless when using the rear amenity spaces of the neighbouring

dwelling to the care home, the building would only be marginally visible given its form and is as such not considered to impede detrimentally on amenity levels currently enjoyed.

7. Neighbours have commented with regards to possible light pollution produced by the proposed building. This point is acknowledged but there would be ambiguity in the level of light produced; at what points during the day/night and at what times of the year. A level of light pollution is already in existence from the number of dwellings sited along Chartridge Lane and this point alone is not substantive enough as to warrant a refusal. Although regard must be given to the general amenities of neighbouring residents and light pollution would fall into this category it is not considered that the proposed outbuilding would impede on other aspects such as privacy, visual intrusion or overlooking to such a significant degree to further warrant a refusal. Therefore the proposal is considered acceptable having regard to Policies GC3 and H14.

Parking/Highways implications

8. The unit will not be occupied independently to the care home and as such would not have a required need to have its own parking facilities. There are existing parking facilities serving the care home which provide sufficient parking spaces and therefore there are no concerns raised.

Conclusion

9. In conclusion, having regard for the above assessment it is considered that the proposal for the outbuilding to be used in conjunction with the care home is acceptable subject to a number of conditions.

Working with the applicant

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

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

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

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 The development to which this permission relates must be begun before the expiration of three years from the date of this permission.

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

2 The exterior of the development hereby permitted shall only be constructed in the materials specified on the plans hereby approved or in materials which shall previously have been approved 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.

3 The outbuilding shall only be used for purposes in connection with and incidental to the running of The Willows as a private care home and shall at no time be occupied as an independent dwelling unit.

Reason: To protect the amenities of the occupiers of nearby properties.

4 AP01 Approved Plans

PL/18/4879/FA

Case Officer: Emma Showan
Date Received: 28.12.2018
Parish: Chesham
App Type: Full Application
Proposal: Demolition of existing structures and the construction of a 3 storey block of 9 flats with associated parking, cycle/bin storage and landscaping.
Location: Chesham Service Station
Asheridge Road
Chesham
Buckinghamshire
HP5 2NT
Applicant: W.E. Black Ltd
Decide by Date: 24.06.2019
Ward: Asheridge Vale And Lowndes

SITE CONSTRAINTS

Adjacent to Unclassified Road
Biodiversity Opportunity Areas
Brownfields CDC
Bovingdon Technical Radar Zone
Critical Drainage Area
North South Line
Townscape Character
Thames Groundwater Protection Zone GC9
Area for Business, Storage, Distribution

CALL IN

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

SITE LOCATION

The application site is located on a corner plot at the junction between Asheridge Road, Hivings Hill and Bellingdon Road in the built-up area of Chesham. The site is in a prominent location at the confluence between these three roads and is currently comprised of a former fuel filling station and vehicle sales centre. To the north and east, the site is bordered by two storey residential dwellings and to the west the site is bordered by allotments. There are also a number of industrial and commercial units within close proximity to the site, in addition to a three storey block of flats across the road from the site at Nos. 27-49 Bellingdon Road.

THE APPLICATION

This application proposes the demolition of the existing structures and construction of a three storey block of 9 flats with associated parking, cycle/bin storage and landscaping.

The proposed block would be 3 storeys high and would incorporate 9 two-bedroom flats. The block would have a maximum width of 20 metres, depth of 17.4 metres and pitched roof height of 10.5 metres, with an eaves height of 6.7 metres.

It would be served by an existing access onto Asheridge Road and would provide 11 parking spaces alongside a bin and cycle store.

A Design & Access Statement, Supporting Statement and Sustainability Statement have been submitted in support of this application.

RELEVANT PLANNING HISTORY

CH/2002/2271/FA - Erection of canopy to provide car cleaning area, conditional permission.

CH/1994/0337/AD - Retention of internally illuminated free standing totem sign, canopy fascia lettering, shop sign and bullnose section on shop fascia, free standing column with internally illuminated clock and temperature gauge and non-illuminated free standing utility box, conditional consent.

CH/1993/0903/AD - Retention of internally illuminated canopy fascia, shop fascia, free standing totem sign and non-illuminated directional sign and proposed freestanding column with clock and two proposed freestanding poster signs, refused permission.

CH/1983/1778/FA - Installation of two new 2000 gallon underground storage tanks, conditional permission.

CH/1983/0899/FA - Extension to existing sales building/lube bay to provide MOT testing bay, refused permission.

CH/1981/0317/FA - Extension of existing car and petrol sales office, conditional permission.

CH/1978/1203/FA - Extension to petrol sales shop, change petrol pumps to self-service pumps and alterations to existing crossovers, conditional permission.

CH/1977/1474/FA - Use of part of forecourt for the display and sale of cars, conditional permission.

TOWN COUNCIL

The Committee recommends refusal of this application on the grounds of being over-development; bulk; being overlooking; having an adverse effect on existing amenity space and the lack of parking provision.

REPRESENTATIONS

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

- Concern regarding location of soakaway
- Concern regarding contamination
- Concern regarding mud on the highway
- Concern regarding siting of bin store
- Insufficient parking
- Potential disruption
- Out of character
- Loss of light and view
- Loss of privacy
- Three storeys is out of character with the locality
- Bin store increases potential for rodents
- Concern regarding highway safety
- Siting of proposed trees would interfere with light into neighbouring properties
- Loss of employment land
- Lack of supporting infrastructure and road improvements

- Flats along Ash Grove were limited to being two storey in height
- Overload of small flats locally
- The adjacent apartment block is three storey but has the appearance of being two storey
- Increase in congestion
- Impaired highway visibility
- Increased demand for local schools, doctors and roads
- Proposal is an eyesore
- Potential for inconsiderate, nuisance or illegal parking
- Potential for anti-social behaviour
- Contrary to local policies
- Inappropriate density

CONSULTATIONS

Buckinghamshire County Highways Officer: 'The application is for full planning permission for 9 two bedroom flats and 11 car parking spaces with use of the existing access off Asheridge Road.

The site is located at the junction of Bellingdon Road, Asheridge Road and Hivings Hill, approximately 1km north of the centre of Chesham.

The site is currently in use as a car sales place and was formerly a petrol station. Ash Grove, to the north of the development site, is a recently completed residential development that received planning permission in 2016.

There are currently 4 accesses into the site; two accesses from Asheridge Road and two from Hivings Hill.

Asheridge Road leads to the Asheridge Industrial Estate which is located 400 metres north of the site. During my site visit I noticed that the road was frequently used by cars and LGVs.

Asheridge Road is 6.6m wide with a 3.4m wide footway on the northern side and a 1.8m footway on the southern side. The road is subject to a 30mph speed limit and has double yellow lines near the junction with Bellingdon Road and north of the development site.

No Transport Statement has been submitted with the application, but information is provided in the Design and Access Statement (DAS).

The DAS explains that the site is situated in a sustainable location with a bus stop nearby and the train station and centre of Chesham 1km from the site. I can conclude that the site is accessible by non-car modes.

The eastern existing access off Asheridge Road will be retained to access the car parking. All other accesses will be closed off. No dimensions have been provided but the access appears to be approximately 6m wide which is wide enough for two vehicles to pass, thereby allowing simultaneous two-way vehicle movements in and out of the site.

My site visit revealed that visibility from this access exceeds the MfS requirements of 2.4m by 43m for a 30mph road. I am therefore satisfied that the proposed vehicle access is adequate for the development proposals.

A new pedestrian access will be provided to Bellingdon Road.

A total of 11 car parking spaces have been provided. I assume that the Local Planning Authority will consider the adequacy of the proposed vehicle parking provision.

A cycle store for 14 cycles has been provided which is adequate for the proposed development.

Servicing will be conducted from Asheridge Road and the bin store is located within servicing distance from the road.

From calculations using the Trip Rate Information Computer System (TRICS®) database, the 9 two bedroom flats have the potential to generate in the region of 36 daily two-way vehicle movements. The 800m² car showroom has the potential to generate in the region of 180 daily two-way vehicle movements. The proposed use is therefore likely to result in a decrease in vehicle movements to and from the site and therefore the impact of the proposed development is acceptable in traffic impact terms.

There are currently double yellow lines along Asheridge Road near the junction with Hivings Hill and Bellingdon Road. These double yellow lines continue along the northern edge of the carriageway along the site frontage but not along the southern side of Asheridge Road. The double yellow lines discontinue for a distance of 53m after which they continue again opposite Ash Grove.

It is considered that the double yellow lines on the southern side of Asheridge Road require extending southwards from Ash Grove for a distance of 15m past the proposed site access, in order to prevent parking in that location and hence leaving sufficient room for vehicles to turn into and exit the development site. This will require an amendment to the existing TRO.

Mindful of the above, this application is acceptable in Highway terms subject to a Legal Agreement to secure a contribution of £15,000 for the amendments to the TRO and conditions.'

Building Control - Access for the disabled: 'No objections or comments to make.'

Building Control - Fire-fighting access: 'No objections or comments to make.'

Economic Development Officer: 'As an Economic Development Team, our focus is upon supporting the growth and prosperity of the local economy. This can only be achieved through providing an environment in which businesses can start and grow, and the availability of appropriate and affordable commercial space is essential to this. As such, we are unlikely to support any application that involves the loss of employment land.'

With any application proposing the loss of employment land, we would be looking for clear evidence that the applicant has marketed the site comprehensively and appropriately, and that this activity and local market conditions suggest very little likelihood of the premises or site becoming occupied. This is also clearly articulated in policy CS16 of the Core Strategy for Chiltern:

"Where an employment site (including sites covered by policies E2 and E3) is within the built-up areas excluded from the Green Belt, the loss of employment land as a result of redevelopment for other uses, including residential use, will be acceptable where there is no reasonable prospect of the site being used for employment purposes, or where it is creating significant amenity issues, or where the existing use is creating significant highway problems."

This application is proposing the loss of 108sqm of commercial space and to our knowledge, no evidence has been provided to support the argument that there is no reasonable prospect of the site being used for employment. In fact, the site is currently occupied by a Jeep sales centre which in itself would suggest there is a demand for this space. Should this application be approved, we would have concerns over the future of this

business. Commercial space is difficult to find within the Chiltern area and there would be a significant risk that this business would be lost from the district, resulting in the loss of local employment. As an Economic Development Team we wish to retain businesses and employment in the district, not lose them.

To conclude, given the proposed loss of employment land, the Economic Development Team objects to this proposal. The presence of an existing business on site suggests there is demand for commercial usage - further information is required on the current commercial occupier, for example, to understand whether they have expressed an interest in relocating or have already found an alternative site. In addition to this, evidence that other occupiers would be unlikely to be found for the site needs to be demonstrated, through a comprehensive and appropriate marketing exercise.'

Environmental Health Officer: 'Demolition of existing structures and the construction of a 3 storey block of 9 flats with associated parking, cycle/bin storage and landscaping.

The Council's historical maps show that the site was adjacent to Benham's Farm during the 1874-1891 epoch, the farm is labelled Bottom Farm on the historical map for the 1924-1925 epoch, a depot is shown on site during the 1961-1971 epoch, an electrical sub-station is shown on site during the 1970-1988 epoch.

The site was formerly operated as a petrol filling station. The environmental permit for the installation was revoked in 2002. The site is currently operated as a car sales lot, an electrical sub-station is shown on the Council's raster map.

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

Waste Officer: 'Inadequate capacity for waste containment. Please refer to waste planning guidance document for more details. Required change to bin store to accommodate the following waste containers: 1x1100 litre refuse bin; 1x660 litre mixed recycling bin; 1x660 litre paper recycling bin.'

POLICIES

National Planning Policy Framework (NPPF), 2018.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS8, CS16, CS20, CS24, CS25 and CS26.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011. Saved Policies: GC1, GC3, GC4, H3, H11, H12, S13, TR2, TR3, TR11 and TR16.

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

EVALUATION

Principle of development

1. The site is located within the built-up area of Chesham where in accordance with Policy H3 proposals for new dwellings are acceptable in principle subject to there being no conflict with any other Local Plan policy. Proposals should be compatible with the character of those areas by respecting the general density, scale, siting, height and character of buildings in the locality of the application site, and the presence of trees, shrubs, lawns and verges. In addition, the spatial strategy for Chiltern District, in accordance with Policies CS1

and CS2 of the Core Strategy, is to focus development on land within existing settlements outside of the Green Belt and Chilterns Area of Outstanding Natural Beauty.

2. The site is also currently in employment use and is operating as a vehicle sales centre. Core Strategy Policy CS16 seeks to secure the long-term retention of a portfolio of employment sites and premises within the District which are attractive to the market and which will provide a range of jobs to meet local needs. The Policy states that: 'Where an employment site is within the built-up areas excluded from the Green Belt, the loss of employment land as a result of redevelopment for other uses, including residential use, will be acceptable where there is no reasonable prospect of the site being used for employment purposes, or where it is creating significant amenity issues, or where the existing use is creating highway problems.'

3. All other relevant Development Plan policies should also be complied with.

Loss of employment land

4. Core Strategy Policy CS16 seeks to secure the long-term retention of employment sites. The Council's Economic Development Officer has been consulted on this application and has raised concerns over the future of the existing business on site and prospect of the site being used for another commercial use. In response, the Applicant has put together a supporting statement which states that: the current site owners are retiring and have been unable to sell the premises within the motor trade; Chesham already has four other petrol stations; the site is not suitable for a motor sales operation; the buildings do not meet the MEES requirements; the site is likely contaminated; there is an ongoing supply of empty office space in Chesham; an office development on the adjacent site failed; commercial agents have declined to market the property for commercial use.

5. Despite the contents of the Applicant's statement, no evidence has been submitted from the Applicant or commercial agents to indicate that the premises have been marketed and no interest has been forthcoming. It is accepted that the former office use of the adjacent site was redundant and the site has since been redeveloped for residential use, however the marketing assessment undertaken for this site was executed in 2013 (as part of application CH/2013/1259/FA) and so is now six years out of date. Whilst it may be that there is little demand for a commercial vehicle sales centre in this location, it is not considered that sufficient evidence has been put forward to demonstrate that the site would not be suitable for another commercial venture. The Applicant has stated that there is an ongoing supply of empty offices in Chesham but there may be other business enterprises, and not necessarily office-based businesses, that would be interested in the site. In the absence of a marketing exercise, it is not possible to determine this need and therefore to make a balanced judgment on whether the site would have a prospective future use as employment land. As such, the proposal fails to comply with the provisions of Core Strategy Policy CS16 which seeks to secure the long-term retention of employment sites.

Design/character & appearance

6. The application site is located at the confluence between Asheridge Road, Bellingdon Road and Hivings Hill and forms a broadly triangular shape. It currently comprises a former fuel filling station with a forecourt to the front laid out to accommodate a vehicle sales business. To the rear, the site borders a new development of two storey semi-detached houses and apartment blocks. To the east of the site, across the road along Hivings Hill, there are two storey Victorian terraces and an apartment block accommodating 12 flats over three storeys (planning reference: CH/1993/0937/FA). To the west, the site borders allotments and within the surrounding area there are also industrial and commercial premises. The area has a mixed character with a range of vernacular styles.

7. It is proposed to demolish the existing filling station and to replace the building and forecourt with a block of 9 flats. The proposed building would be sited so that it sits in the point between Hivings Hill and

Asheridge Road with the car park being located to the rear. The building would be three storeys in height, with the third floor accommodation being provided within the roof space. In terms of the design of the building, it would incorporate a crown roof with a number of projecting gable ends. It would comprise a fairly traditional vernacular which is not considered to be at odds with the local area. In terms of the siting of the building, it would be set off each boundary so that the building does not appear overly cramped and space would be retained for landscaping to help soften the impact of the proposal on the locality. In addition, the proposed building would be set back from the highway junction which would further help to reduce its prominence.

8. The proposed building would be three storey which is considerably taller than the single storey filling station and associated buildings on site. The building would also be taller than the two storey residential development to the rear, at Asheridge Grove. However, the third floor accommodation would be contained within the roof space which would reduce the bulk of the proposal. It is also noted that the building would be of a comparable height to the building at No. 17 Asheridge Road and it would not be the first three storey building to look onto this highway junction. Opposite the application site, at No. 29-49 Bellingdon Road, there is an existing three storey apartment block encompassing pitched roof dormers and projecting gable ends akin to those proposed within this application. Furthermore, it is considered that the proposed projecting gable ends, dormers and pitched roof slopes would break up the bulk of the proposal so that the building does not appear excessive or overly inflated within the context of its surroundings.

9. Overall, it is considered that the scale of the building would be acceptable taking into account the varied pattern of development locally and the siting of the building at the highway junction where it would sit independently. Adequate space would be maintained around the site to allow for appropriate landscaping and this would further reduce the prominence of the building and it is noted that there are other three storey buildings adjacent to the site. Finally, given the nature of the existing site and its chaotic appearance, the proposed building is considered to be a visual improvement that would relate well to the residential development to the rear of the application site and the local context. Nonetheless, should the proposal be found to be acceptable, then a condition requiring the submission of materials prior to commencement of works above ground level would ensure that the building relates well to the local context.

Residential amenity

10. Local Plan Policy GC3 states that new development should achieve good standards of amenity for future occupiers and seeks to protect the amenity of existing properties. In this respect, the proposed building would be visible from the surrounding houses, however it would be sited on average of 33 metres away from the rear elevations of the dwellings at Asheridge Grove and 17.5 metres away from the rear boundaries of these neighbouring properties. It is considered that this 33 metre separation distance would be sufficient to prevent the proposal from appearing unduly overbearing to these neighbouring properties. To the east of the site, 16 metres would separate the proposed building from Nos. 1-5 Hivings Hill and this separation would be over the public highway. This too is considered to be an acceptable distance to prevent the proposal from appearing overbearing. In terms of intrusion, windows are proposed at three levels in all four elevations of the proposed building. However, again, there will be considerable separation between these windows and those of neighbouring properties and views will not be direct, but would be over the public highway and car parking areas. Given the distance and relationship between the proposed windows and neighbouring properties, no objections are raised in regards to intrusion.

11. Local Plan Policy H12 requires new development to provide adequate amenity space for future residents to utilise. It is recommended that 30 square metres be provided for every two bedroomed unit and on this basis the development should provide approximately 270 square metres of amenity space. In this respect, it is proposed to provide a shared amenity space to the rear/side of the building. The total amount of amenity space surrounding the building is approximately 320 square metres and each flat would also have a

Juliet balcony for private amenity use. It is therefore considered that adequate amenity space would be provided for future occupiers of the development.

12. The site benefits from existing waste collection routes and it is proposed to provide a bin store adjacent to the site entrance and within the car parking area. The proposed bin store has been relocated away from the boundary with the neighbouring properties and is now sited in an acceptable location. The Waste Officer has confirmed that larger bins will be required but this can be the subject of a condition should planning permission be granted.

Parking/highway implications

13. Local Plan Policy TR16 concerns the amount of parking to be provided as part of a new development. It states that for each dwelling with a floor area between 50 to 120 square metres, two parking spaces should be provided. Accordingly, for the proposed development, it is recommended to provide 18 spaces. In contrast, the application proposes 11 parking spaces, which equates to one parking space per flat with the addition of two visitor spaces.

14. It is important to note that the standards set out in Local Plan Policy TR16 are not minimum standards as this would be contrary to national Government guidance. The Council approved a resolution in 2007 to explicitly change the interpretation of the parking standards from minimum standards to recommended standards. Therefore, if a site is in a sustainable location, it should not be reasonably required to provide the full parking standard.

15. In the case of this application, the site is located in a sustainable location. It is located 0.7 miles away from the town high street where services and facilities are located, including Chesham Underground Station. The site is also located on existing bus routes. As the site is clearly located in a sustainable location, it is considered that the parking standards can be relaxed and the provision of 11 parking spaces for a development of 9 units is considered to be acceptable.

16. The County Highways Authority has assessed the impact of the development on the local highway network and raised no objection to the proposal. It is stated that adequate visibility splays can be achieved. Nonetheless, it is also stated that the double yellow lines on the southern side of Asheridge Road require extending southwards from Ash Grove for a distance of 15 metres past the proposed site access, in order to prevent parking in that location and hence leaving sufficient room for vehicles to turn into and exit the development site. A legal agreement is therefore required to secure a contribution of £15,000 for the amendments to the existing TRO and conditions.

17. Cycle storage will also be provided on site.

Contamination

18. The application site had a previous use as a filling station and representations have raised concern regarding the possibility of site contamination. The Council's Environmental Health Officer has reviewed this proposal and confirmed that no objections are raised, subject to the inclusion of conditions requiring the reporting of contamination and management of contamination should it be found on site.

Affordable housing

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

square metres. A contribution towards affordable housing provision is not therefore required as part of this development.

Working with the applicant

20. In accordance with Chapter 4 of the NPPF Chiltern District Council take a positive and proactive approach to development proposals focused on solutions. Chiltern District Council works with applicants/agents in a positive and proactive manner by:

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

In this case, the proposal did not accord with the Development Plan, and no material considerations were apparent to outweigh these matters. It was not considered that any changes during the course of the application would have reasonably overcome these issues, so the application was recommended for refusal on the basis of the submitted plans.

Human Rights

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

RECOMMENDATION: Refuse permission

For the following reasons:-

1 Core Strategy Policy CS16 seeks to secure the long-term retention of employment sites. It states that where an employment site is within the built-up areas excluded from the Green Belt, the loss of employment land as a result of redevelopment for other uses, including residential use, will be acceptable where there is no reasonable prospect of the site being used for employment purposes, or where it is creating significant amenity issues or where the existing use is creating significant highway problems. In this instance, the Applicant has failed to undertake a marketing exercise of the premises and has failed to adequately demonstrate that the site would have no future use as employment land. In the absence of supporting documentation, it is not possible to determine whether the site could be used for other employment purposes and so the proposal fails to comply with Policy CS16 of the Core Strategy for Chiltern District - Adopted November 2011.

PL/19/0450/FA

Case Officer: Melanie Beech
Date Received: 11.02.2019 Decide by Date: 26.06.2019
Parish: Chesham Ward: Asheridge Vale And Lowndes
App Type: Full Application
Proposal: Redevelopment of the site to provide 6 dwellings (4 apartments and 2 houses) with associated access, amenity and car parking.
Location: 212 Chartridge Lane
Chesham
Buckinghamshire
HP5 2SF
Applicant: Mr & Mrs Brendan

SITE CONSTRAINTS

Adjacent to C Road
North South Line
Townscape Character

CALL IN

Councillor Bacon has requested that this application be determined by the Planning Committee if the officer's recommendation is to approve.

SITE LOCATION

The application site is located on the South-western side of Chartridge Lane within the built up area of Chesham. It slopes steeply downwards away from the road and currently consists of a detached dwelling situated towards the front of the plot and a detached single garage to the south-west of the dwelling.

The site is surrounded by residential development; no.216 to the north-west, no. 210 to the rear, and a development site to the south-east consisting of two pairs of semi-detached houses at the front of the site (planning permission PL/18/4372/VRC) and 5 dwellings at the rear of the site (planning permission CH/2017/0846/FA). These are currently under construction.

THE APPLICATION

The application seeks planning permission to demolish no.212 Chartridge Lane and associated outbuildings, and to redevelop the site to provide 6 residential units. Plots 1 - 5 are located within a two storey building situated towards the front of the plot, and plot 6 is a detached bungalow located to the rear.

Plots 1 and 2 are two bedroom apartments located on the ground floor, plots 4 and 5 are one bedroom apartments located on the first floor. Plot 3 is a three bedroom dwelling attached to the apartments and spread over 2 floors. Plot 6 is a detached bungalow with a bedroom and bathroom within the roof space. There are two bedrooms on the ground floor.

The proposed building at the front of the plot has a maximum width of 14.9m, depth of 12.7m and height at the front of 8.2m with an eaves height of 4.8m. It includes a central pitched roof gable on the front elevation and 3 pitched roof gables on the rear elevation. A flat roof single storey element extends 2.2m from the rear

elevation. The proposed bungalow measures 8.2m wide by 9.2m deep. It has a ridge height of 5.8m and an eaves height of 2.6m.

The proposed materials are Audley antique brick and red antique clay roof tiles.

It is proposed to retain the existing access and provide a new access drive to the south-east of the apartment building. 1 car parking space is provided for each apartment and 2 spaces are provided for each of the dwellings.

A private rear garden is provided for each of the dwellings and a communal amenity area is provided for the apartments. The existing hedges around the site are to be retained.

RELEVANT PLANNING HISTORY

CH/2015/1713/FA - Land at 206 - 212 Chartridge Lane. Erection of three detached dwellings and detached garage, creation of vehicular access - Conditional Permission

CH/2017/0846/FA - Re-development of site (Land at and to the rear of 206 - 208 Chartridge Lane), 5 detached dwellings (4 with integral garages, 1 detached garage), associated hard landscaping, parking and creation of vehicular access - Refused, allowed on appeal

CH/2017/1959/FA - Re-development of site (Land at and To The Rear Of 206 - 208 Chartridge Lane) comprising 5 dwellings (4 with integral garages), associated hard landscaping, parking and creation of vehicular access - Refused

CH/2018/0854/FA - Demolition of Nos. 206 and 208 Chartridge Lane and erection of two pairs of semi-detached dwellings along Chartridge Lane and one detached dwelling to the rear (comprising the reconfiguration of plot 5 approved under planning permission CH/2017/0846/FA), associated hard landscaping, parking and altered vehicular access - Conditional Permission

PL/18/3904/VRC - Variation of Condition 14 of planning permission CH/2018/0854/FA (Demolition of Nos. 206 and 208 Chartridge Lane and erection of two pairs of semi-detached dwellings along Chartridge Lane and one detached dwelling to the rear (comprising the reconfiguration of plot 5 approved under planning permission CH/2017/0846/FA), associated hard landscaping, parking and altered vehicular access) to allow amended design of detached dwelling on plot 5 - Conditional Permission

PL/18/4372/VRC -Variation of Condition 14 of planning permission CH/2018/0854/FA (Demolition of Nos. 206 and 208 Chartridge Lane and erection of two pairs of semi-detached dwellings along Chartridge Lane and one detached dwelling to the rear, associated hard landscaping, parking and altered vehicular access) to allow amended design of semi-detached dwellings on Plots 6 to 9 - Conditional Permission.

TOWN COUNCIL

"The Committee recommends REFUSAL of this application on the grounds of being overdevelopment in terms of bulk and mass: overbearing; out of keeping with the existing street scene and back garden development."

REPRESENTATIONS

3 letters have been received in relation to the application, which are summarised below:

- Loss of privacy (to nos. 210 and 216 Chartridge Lane)
- Reduction of light into front garden of no. 216
- Access to the site is dangerous due to hesitancy, misunderstanding, speed of traffic, proximity to Brandon Mead

- Single track driveway is inadequate for this number of dwellings plus pedestrians
- Having the front door of plot 6 straight onto the driveway is dangerous
- Insufficient parking and manoeuvring space will lead to overspill parking onto the road and verges
- Bus service along Chartridge Lane is inadequate
- Over development which is out of character to the area
- Insufficient amenity space for the new dwellings
- Concerned developer will make further applications to increase size of plot 6 as they have at the neighbouring site
- Consider bats and birds on site
- Consider drainage of site
- Comments relating to the ownership of the driveway [officer note: this is a civil matter that does not affect the determination of the planning application].

CONSULTATIONS

Highway Authority

No objection subject to widening of access to 4.8m.

Ecology

No objection subject to condition to require ecological enhancements.

Firefighting Access

The access serving the development should comply with Approved Document B5 of the Building Regulations and should have a minimum road width of 3.7m and minimum gate widths of 3.1m. However, the arrangement shown will be acceptable if a fire fighting pump vehicle can gain access to within 45m of all points within all of the dwellings.

Strategic Environment Team

No objection subject to a condition relating to contaminated land.

Waste services

"In accordance with local service policies, waste collections would take place from the highway. Waste containers would need to be presented at the entrance point, where the boundary meets the public highway."

POLICIES

National Planning Policy Framework (NPPF), February 2019.

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC2, GC3, GC4, H3, H11, H12, TR2, TR11, TR15, TR16.

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

EVALUATION

Principle of Development

1. The site is located within the built up area of Chesham where in accordance with Local Plan Policy H3, proposals for new dwellings are acceptable in principle subject to there being no conflict with any other Local Plan policy. In addition, the spatial strategy for Chiltern District, in accordance with Policies CS1 and CS2 of the

Core Strategy, is to focus development on land within existing settlements and in particular to the built up areas of the main settlements which includes Chesham.

Design/character & appearance

2. The area is residential in nature with a variety of dwellings situated in a range of plot shapes and sizes. This includes detached and semi-detached dwellings fronting onto Chartridge Lane with a number of dwellings and outbuildings situated to the rear of these residential plots. Policy H3 states that proposals should be compatible with the character of the area by respecting the general density, scale, siting, height and character of buildings in the locality, and the presence of trees, shrubs, lawns and verges.

3. It is acknowledged that the replacement of a single dwelling with 6 residential units significantly increases the density of development on the site. Provided this does not adversely affect the character of the area, this is considered to be a good thing as it makes efficient use of land in a sustainable location within Chiltern District, which cannot currently demonstrate a 5 year land supply for housing.

4. The siting of the proposed dwellings is considered to be acceptable, which will be viewed within the context of the permitted dwellings to the south-east of the site and the existing dwellings located to the north-west and south-west. These are shown on the submitted site layout plan. There is sufficient space between and around the proposed dwellings so that the development does not appear cramped or represent an overdevelopment of the plot. In particular, the proposal complies with Policy H11 which requires a minimum of 1m between the flank elevation of the proposed dwelling and the plot boundary.

5. The scale, height and design of the proposed dwellings are shown on the submitted plan entitled "proposed house types". Plots 1 - 5 which are situated within the building proposed at the front of the plot will be viewed within the context of the permitted dwellings to the south-east. The proposed street scene (shown on the submitted plan) clearly demonstrates that the proposal is comparable to the approved scheme in terms of its height and scale, and the overall appearance is compatible with the design. The street scene also shows the generous gaps between the buildings.

6. Plot 6 is a bungalow, and given its height, scale and siting, will not be highly visible from Chartridge Lane or other public viewpoints. It is therefore considered that it will fit in with the variety of the surrounding dwellings and not adversely affect the character of the area.

7. In terms of the presence of trees, shrubs, lawns and verges, the existing hedge around the site is to be retained. Policy GC1 of the Local Plan adds that the appearance of car parking should be considered as part of a proposal, and the layout of any development should not be dominated by access roads or car parking. Although the car parking for plot 1-5 is located at the front of the plot, adjacent to Chartridge Lane, this is the same layout that was approved at the neighbouring site and therefore it would be unreasonable to object to it at this site. Furthermore, the car parking area has been softened by the addition of some planting and it is recommended that conditions be imposed on any planning permission relating to the materials of the parking area, and landscaping, in order to ensure that the proposed development does not adversely affect the character of the area.

8. Based on the above assessment, it is considered that the proposal does not adversely affect the character of the area and complies with the relevant Development Plan policies in this regard. However, to ensure that the site is not developed further without the Council's control, a condition is recommended to restrict Permitted Development rights.

Residential amenity

9. Local Plan Policy GC3 refers to the protection of amenities throughout the district. It states that the Council will seek to achieve good standards of amenity for the future occupiers of that development and to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties. Where amenities are impaired to a significant degree, planning permission will be refused.

10. No. 216 Chartridge Lane is situated to the north-west of the application site but is set back over 30m from the road. As such, the proposed front building will be adjacent to their driveway and parking area, and will not overlook any private areas. The comments from this neighbouring property are noted but any views from the rear windows of the proposed dwellings at the front of the site into the neighbouring property will be angled and at least 15m away. Similarly, the proposed bungalow is sited so that it is adjacent to the neighbouring garage at no. 216 and given that it is single storey, will not cause any visual intrusion or loss of privacy.

11. No. 210 Chartridge Lane is situated to the south-west of the application site on lower land, approximately 11m away from the proposed bungalow. There is an existing outbuilding, driveway and parking area between no.210 and the proposed bungalow and there are no habitable room windows on the side elevation of the proposed bungalow. As such, it is not considered that the proposal will adversely affect this neighbouring property to a significant degree.

12. In addition, the proposal has been designed and sited so that it does not adversely affect the amenities of the new dwellings which are being constructed to the south-east. Conditions are recommended to restrict any side windows being installed in the flank elevations of the front building, and all four elevations of the bungalow.

13. With regard to the amenities of future occupiers of the development, each dwelling has been provided with a private rear garden and the flats have a communal amenity area to the rear. Although it is acknowledged that the gardens are relatively small, they provide adequate outdoor amenity space and are comparable to others in the vicinity, including the single dwelling permitted to the south-east and properties in Dell Close and Groves Way. Bin storage has also been provided and no objections are raised from the Council's waste team.

Parking/Highway implications

14. In accordance with Policy TR16 of the Local Plan, the Council's parking standard for dwellings or flats with a gross floor area of less than 120sqm is two spaces. These have been provided for plot 3 and plot 6. In accordance with the policy, the parking standard for flats with an internal floor area of 50sqm or less and which have two habitable rooms or fewer, is one space. Plot 4 is 50sqm and only has two habitable rooms and as such, only 1 space is required. The other plots (plots 1, 2 and 5) are 53sqm, 59sqm and 51.6sqm respectively. As such, in accordance with the policy, the parking standard for the flats is 2 spaces. As only 1 space is provided per flat, there is a shortfall of 3 spaces in accordance with the policy, but it must be noted that the parking standards are not minimum standards and policy TR16 should only be given limited weight.

15. In this regard, it is important to note the comments from the Appeal Inspector who allowed the development to the south-east in January 2018. He stated that,

"Paragraphs 17 and 39 of the Framework collectively state that growth should be managed to make the fullest use of walking, cycling and public transport and that local parking standards should take into account the accessibility of development and the availability of public transport. In view of this, and the site's location within an urban area approximately 1 mile from the town centre and train station, and near to local bus stops, I am satisfied that future occupants would have good accessibility to a wide range of employment,

services and facilities via walking, cycling and public transport and that a reduced parking standard would therefore be acceptable."

16. It is also noted that in another appeal decision dated 4th September 2018 (CH/2017/1943/FA), the Inspector stated that Policy TR16 can only be given limited weight because it is not wholly consistent with the NPPF. Paragraph 109 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Given that the flats are only marginally larger than those which would only require 1 space, that the site is in a sustainable location, and noting the Inspector's comments in relation to the neighbouring site, no objections are raised to the proposal with regard to parking.

17. With regard to the impact of the development on the highway network, the comments from the local residents are noted. However, in consultation with the Highway Authority, no objections are raised in this regard, subject to a condition to widen the access to 4.8m wide.

Ecology

18. A Preliminary Roost Assessment and a single nocturnal survey have been carried out, which confirm that overall the site offers low roosting opportunities for bats. Therefore, in consultation with the Ecology Officer, no objections are made to the application in terms of ecology, subject to a condition to require details of ecological enhancements to ensure that a net gain in biodiversity is achieved.

Drainage

19. The site is not located within any designated critical drainage area but it is acknowledged that the proposed development would increase the amount of hard surfacing and that drainage is a particular issue in Chesham. In this regard, the condition requiring details of the proposed materials would ensure that the parking and turning areas would be constructed in permeable materials. Furthermore, it is noted that it is an offence under the Highways Act for water to run off onto the highway. The development would also need to meet building regulations with regard to proper drainage.

Affordable Housing

20. With regard to affordable housing, Policy CS8 of the Core Strategy requires at least one affordable housing unit on sites of 5 to 7 dwellings. However, the National Planning Practice Guidance (NPPG) states that there are specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought, including from small scale and self-build development, such as developments of 10 units or less, or which have a gross floorspace of less than 1,000sqm. As the proposed development falls below these thresholds and the NPPG carries greater weight than the Core Strategy, no objections are raised to the scheme without a contribution to affordable housing.

Conclusions

21. In conclusion, it is acknowledged that the proposed development significantly increases the density of development on this site. However, the design and siting of the proposed dwellings is not considered to adversely affect the character of the area, amenities of neighbouring properties, highway safety, trees or ecology. As such, the proposal complies with the relevant Development Plan policies and is therefore recommended for approval, subject to conditions.

Working with the applicant

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

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

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

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

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 The development to which this permission relates must be begun before the expiration of three years from the date of this permission.

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

2 Before any construction work above ground commences, details of the materials to be used for the external construction of the development hereby permitted, including the surface materials for the new access road, parking and turning areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in the approved materials.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality or create flooding issues, in accordance with Policies GC1, GC10 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

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

Reason: To protect, as far as is possible, the character of the locality, in accordance with Policies GC1 and H3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and Policy CS20 of The Core Strategy for Chiltern District, Adopted November 2011.

4 Prior to the commencement of development approved by this planning permission,, 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.

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

The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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.

5 Notwithstanding the details shown on the approved plans, no other part of the development shall begin until the new means of access has been sited and laid out in accordance with details that shall first have been submitted to and approved by the Local Planning Authority.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway, in accordance with Policies TR2 and TR3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011 and Policies CS25 and CS26 of The Core Strategy for Chiltern District, Adopted November 2011.

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

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

7 No development shall take place, including works of demolition, until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority, in conjunction with the Highway Authority. The CTMP shall include details of:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- operating hours
- wheel washing facilities

The approved plan shall be adhered to throughout the construction period.

Reason: In the interests of highway safety, convenience of highway users and to protect the amenities of residents, in accordance with Policies TR2 and TR3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011 and Policies CS25 and CS26 of The Core Strategy for Chiltern District, Adopted November 2011.

8 No development above ground level shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping at a scale of not less than 1:500 which shall include indications of all existing trees and hedgerows on the land, with details of those to be retained, those to be felled being clearly specified, and full details of those to be planted. This shall include full details of the locations, size and species of all trees, hedgerows and shrubs to be planted, removed and retained and should include the installation of bat and/or bird bricks and/or boxes.

Reason: In order to maintain, as far as possible, the character of the locality and to ensure biodiversity enhancements and to ensure a good quality of amenity for future occupiers of the dwellings hereby permitted, in accordance with policies GC1, GC4 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS24 of the Core Strategy for Chiltern District (Adopted November 2011).

9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the 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: In order to maintain, as far as possible, the character of the locality and to ensure biodiversity enhancements and to ensure a good quality of amenity for future occupiers of the dwellings hereby permitted, in accordance with policies GC1, GC4 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS24 of the Core Strategy for Chiltern District (Adopted November 2011).

10 Prior to the commencement of development above ground level, full details of the proposed boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall then be erected/constructed prior to the occupation of the dwellings hereby permitted.

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

11 Prior to the commencement of development above ground level, full details of the proposed bin storage for each new dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of each new dwelling and permanently retained for bin storage.

Reason: To ensure that the development respects the character of the area, does not appear cluttered with bins and to ensure that there is adequate bin storage for future occupiers of the development, in accordance with policies GC1, GC3 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows other than those expressly authorised by this permission, shall be inserted in the flank elevations of the dwellings on plots 1 - 5 hereby permitted, or in any of the elevations of the bungalow on plot 6 hereby permitted.

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

13 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Classes A - E of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider whether any future proposals will be detrimental to the character of the locality or the amenities of neighbouring properties, in accordance with policies GC1, GC3 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

14 AP01 Approved Plans

PL/19/0655/FA

Case Officer: Melanie Beech
Date Received: 28.02.2019 Decide by Date: 26.06.2019
Parish: Chesham Ward: Hilltop And Townsend
App Type: Full Application
Proposal: Two storey front extension, first floor front and side extensions, roof extensions with rear dormer and front and rear rooflights, subdivision to form 5 residential flats, changes to fenestration, associated hardstanding and landscaping, erection of boundary wall and widening of existing vehicular access.
Location: 55 Gladstone Road
Chesham
Buckinghamshire
HP5 3AD
Applicant: Mr M Rehman

SITE CONSTRAINTS

Adjacent to Unclassified Road
Air Quality Management Area
Biodiversity Opportunity Areas
Bovingdon Technical Radar Zone
Critical Drainage Area
North South Line
Townscape Character

CALL IN

Councillor Culverhouse has requested that this application be determined by the Committee if the officer's recommendation is to approve.

SITE LOCATION

The application site is located on the western side of Gladstone Road within the built up area of Chesham. The land slopes down to the west, away from Gladstone Road.

The existing building on the site is a detached 4 bedroom house with a living room, dining room, cloakroom, kitchen and two studies on the ground floor, and 4 bedrooms and a bathroom on the first floor. There is also a basement, and a parking area to the north.

To the west of the site is a large building (53 Broad Street) which has recently been converted to 15 flats. To the south of the site is the parking area for that development. To the north of the site are the driveways, garages and rear accesses to the terraced dwellings along Broad Street. To the west are terraced dwellings located on the other side of Gladstone Road.

THE APPLICATION

The application seeks planning permission to convert the existing dwelling into 5 x 1 bedroom flats. To enable this, it is proposed to construct a first floor side extension on the southern elevation with a ridge and eaves height to match the existing dwelling. This will include a flat roof dormer window on the rear elevation. In addition, a two storey extension is proposed on the front and northern side elevation which will also match

the ridge and eaves height of the existing dwelling. It is also proposed to alter the number and position of doors and windows, and make minor variations to the front boundary wall.

The development will include 3 car parking spaces to the north, with a new timber fence to the rear of the parking spaces. Behind the parking spaces is a communal garden area measuring approximately 60sqm. Space is also provided for bin and bicycle storage.

RELEVANT PLANNING HISTORY

CH/1990/0069/FA - Change of use of dwelling to Doctors surgery and consulting rooms together with new vehicular access and car park - Conditional Permission.

CH/1991/0193/FA - Alterations, single storey side extension with part basement to provide doctors surgery. Front boundary wall with access ramp for wheelchairs, front porch canopy and parking area - Conditional Permission.

CH/2011/0696/FA - Change of use from Doctors surgery (Use Class D1) to residential (Use Class C3) to form 3 two-bed flats, widening of existing vehicular access and laying of hardstanding - Refused permission and dismissed at appeal.

CH/2011/1682/SA - Application for a Certificate of Lawfulness for a proposed use of a building as a dwelling (Use Class C3) - Certificate granted.

TOWN COUNCIL

"The Committee recommends REFUSAL of this application as the off-street parking provision does not meet the required parking standards in a road with a historical lack of sufficient on-street parking. Moreover the proposals are deemed as overdevelopment in terms of size and bulk and being overlooking to the gardens in Berkhamstead Road."

REPRESENTATIONS

10 letters have been received in relation to the application, which are summarised below:

- Loss of privacy
- Building will be very oppressive
- Out of keeping with the rest of the road
- Overdevelopment, building is not suitable for 5 flats
- Does not cater for disabled people (e.g. No lift, inadequate space in flats)
- Insufficient parking will exacerbate existing on-street parking problems
- Road is not wide enough for refuse collections
- Inadequate provision for bin and recycling storage, which should be a proper built brick structure
- Disturbance during construction (noise, road closures/blockages, dust and mess)
- Pressure on utilities (gas, electricity, water)
- Pressure on services (e.g. doctors, dentists, schools)
- Need to maintain right of way across back of 55 and 57 Gladstone Road to Broad Street
- Accept building could do with updating.

CONSULTATIONS

Environmental Health

No objection subject to a condition relating to the reporting of any contaminated land, and the carrying out of any necessary remediation works.

Highway Authority

Object to the application because the development would result in an intensification of an existing access at a point where visibility is substandard and would lead to danger and inconvenience to people using it and to highway users in general. In addition, there is inadequate turning space within the site which would result in vehicles reversing onto the highway.

POLICIES

National Planning Policy Framework (NPPF), February 2019.

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC2, GC3, H3, H7, H11, H12, H13, H14, H15, H16, H18, TR2, TR11, TR15, TR16.

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

EVALUATION

Principle of Development

1. Policy CS1 of the Core Strategy aims to focus new development on land within existing settlements, in particular within the built up areas of the main settlements within the district, which includes Chesham.
2. Policy H3 of the Local Plan states that new dwellings will be acceptable in the built up areas, subject to there being no conflict with any other Local Plan policy. Proposals should be compatible with the character of the area by respecting the general density, scale, siting, height and character of buildings in the locality, and the presence of trees, shrubs, lawns and verges.
3. Policy H7 of the Local Plan states that within the built up areas, the conversion of an existing dwelling into more than one self-contained unit of accommodation will be acceptable where it can be achieved without significantly damaging the character and appearance of its immediate locality or impairing the amenities of the occupiers of adjoining properties.
4. Taking the above policies into account, the principle of extending and converting the existing dwelling into 5 flats is acceptable, provided other relevant Development Plan policies are complied with.

Design/character & appearance

5. The eastern side of Gladstone Road is characterised by tall, terraced dwellings located to the front of long narrow plots in a dense form of development. The western side however, is dominated by driveways, parking areas and garages serving the properties fronting onto Broad Street. 55 Gladstone Road is in fact one of the only properties to have a frontage onto the western side of Gladstone Road. This makes the application site fairly unusual in its setting.

6. With regard to the appearance, the proposed extension on the southern elevation has a width of approximately 3.5m and does not extend beyond the side wall of the existing ground floor element. Similarly, the proposed extension on the northern elevation does not extend beyond the side wall of the existing dwelling and the proposed front extension is set no further forward than the existing front elevation of the building which supports the chimney. As such, the extended building, although much larger than the existing, will be sited on a very similar footprint.

7. Given the space that surrounds the building to the north and south, the proposed extensions are considered to be acceptable in terms of their design as they will not be detrimental to the character and appearance of the area. With regard to the impact of the extensions on the building itself, the ridge and eaves height match the existing dwelling and although create a larger building, are considered to respect the overall scale and proportions of the existing building.

8. The dormer window is 3m wide x 3m high and has a maximum depth of 3.6m. It is therefore a large dormer window but is situated to the rear of the building and is of a size and scale which could be constructed any time under permitted development (and hence without applying for planning permission). As such, no objections are raised to this element of the proposal. The alterations to the fenestration are also considered to be acceptable.

9. The proposed parking area reflects the character and appearance of existing parking areas along this side of Gladstone Road and the proposed alterations to the front boundary wall are minor, and will not adversely affect the character and appearance of the area.

10. Converting a single dwelling into 5 flats may also have an impact on the character of the area in terms of the activity in and around the site, in addition to the alterations to the appearance. In this regard, it should be noted that the building has previously been used as a doctor's surgery, which would have had many comings and goings. Furthermore, there are other flats in the vicinity and no objections were raised by the Inspector to converting this building into 3 flats in terms of character under planning application CH/2011/0696/FA (appeal reference APP/X0415/A/11/2158397/NWF). This appeal was dismissed on other grounds, which are discussed later in the report.

11. Overall, given the space around the site and the sympathetic design of the proposed extensions, the proposal is considered to respect the character and appearance of the area, and as such complies with Policies GC1, H3 and H7 of the Local Plan, and Policy CS20 of the Core Strategy.

Residential amenity

12. Local Plan Policy GC3 relates to the protection of amenities throughout the district. It states that the Council will seek to achieve good standards of amenity for the future occupiers of that development and to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties. Where amenities are impaired to a significant degree, planning permission will be refused. Local Plan Policy H12 sets out expected standards for outdoor amenity space.

13. The comments from the residents along Gladstone Road are noted, some of whom are concerned about a loss of privacy. It is acknowledged that the proposed development will introduce first floor windows into the front elevation of the building where there are currently none. However, the occurrence of residential windows facing other residential windows across a street is not an unusual relationship in a built up area. The proposed windows will only overlook the front elevations of the houses on the opposite side of Gladstone Road which can already be viewed from the street. As such, it is not considered that the proposal would result in an unacceptable loss of privacy for these residents.

14. As stated above, the land to the north and south of the site is occupied by driveways, parking areas and garages. The proposed windows on the north and southern elevations do not cause any additional overlooking to that which already exists from the current windows in these elevations.

15. With regard to the flats contained within 53 Broad Street, the floor plans for that development show that the first floor windows in the rear elevation of that building serve non-habitable rooms and as such, no objections are raised with regard to the impact of the proposal on these flats.

16. With regard to amenity for future occupiers of the flats, it is relevant to note that in 2011, an application was made to convert 55 Gladstone Road into 3 flats (reference CH/2011/0696/FA). This was refused due to the poor amenity provided for the future occupiers of the flats in terms of outlook and amount of outdoor amenity space. The refusal was appealed and the Inspector agreed that the outlook from flat 2, which occupied the basement and part of the ground floor, was unacceptable. However, he concluded that the amount of outdoor amenity space was acceptable.

17. This is a relevant appeal decision because the current proposal has addressed the concerns of the Inspector by locating the bedroom and bathroom for flat 1 in the basement and moved the living room and study to the ground floor. This provides the living area with a better and more acceptable outlook. The other flats, which are located on the remainder of the ground floor, the first floor and within the roof space, also have sufficient light, space and outlook so that the proposal complies with Policy GC3 of the Local Plan. In response to a comment regarding accessibility for disabled people, the development would have to comply with building regulations and is not a matter that is controlled by planning legislation.

18. With regard to outdoor amenity space, a communal garden is provided to the north of the site which has an area of approximately 60sqm. In addition, an "all weather surfaced area" measuring approximately 30sqm is provided adjacent to the basement for flat 1. The text following Policy H12 of the Local Plan advises that 1 bedroom flats should have approximately 25sqm of outdoor amenity space, to include areas for refuse disposal. In this case, the communal garden provides approximately 20sqm of outdoor space for flats 2 - 5 which is considered acceptable because the area for refuse disposal is located elsewhere. The outdoor amenity area for flat 1 meets the standards and although is situated between the building and a brick wall, the residents will also have access to the communal garden. It should also be noted that the 15 flats at 53 Broad Street have minimal outdoor amenity space.

19. Overall, the proposal is considered to provide acceptable levels of amenity for future occupiers of the flats, and the amenities enjoyed by existing neighbouring properties are protected, in accordance with Policy GC3 of the Local Plan.

Parking/Highway implications

20. In accordance with Policy TR16 of the Local Plan, one car parking space is required for flats with 2 habitable rooms or fewer and an internal floor space of less than 50sqm. 2 spaces are required for flats with an internal floor space of between 50sqm and 120sqm. Based on these standards, flat 1 requires 2 spaces and the other flats all require 1 space, giving a total of 6 spaces. The proposed development includes 3 spaces, which is therefore a shortfall of 3 in comparison to the standards set out in Policy TR16.

21. It is acknowledged that parking is a major local issue and reason for concern for local residents. However, the appeal decision on this site from 2011 is a material consideration that must be taken into account in determining this application. Although that application only proposed 3 flats, they were larger flats and therefore required 6 spaces to meet the standards set out in Policy TR16 (i.e. the same shortfall as the current application). The Council did not object to the level of parking because it was a vast improvement on the shortfall that existed for the doctor's surgery, which was the lawful use of the building at the time. Furthermore, the officer's report refers to an appeal decision from 2008 at Victoria House, located approximately 90m away on Victoria Road, where a scheme for 8 residential units was considered (reference CH/2007/0124/FA). Although the appeal was dismissed due to a loss of employment and poor living conditions, the Inspector raised no objection to the scheme with no parking at all, stating that the site is in a sustainable location with the town centre and public transport facilities close by. He also said the following, which is of relevance to the current application:

"It is clear from the letters received from local residents that there is a severe shortage of spaces for residents to park in the area ... However, I consider that this is a problem that already exists, with a similar number of parking spaces being required whether the appeal property is used for employment purposes or housing. Whilst there may be high levels of car ownership in the district, this would be less likely to apply to the occupiers of small flats in this sustainable location."

22. Since these appeal decisions, the NPPF has been published, which states at paragraph 109 that 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. In light of the above assessment, it is considered that the level of parking proposed is acceptable and no objections are raised in this regard.

23. With regard to the impact of the development on the highway, the comments from the Highway Authority are noted. They have confirmed that the local highway network within the vicinity of the site can safely accommodate the proposed development but are concerned about vehicles reversing onto Gladstone Road. However, there are numerous examples of parking spaces and driveways along the western side of Gladstone Road which would require vehicles to reverse onto Gladstone Road due to insufficient manoeuvring space within the plot. As such, it would seem unreasonable to refuse a similar situation at this site. Furthermore, the previous use of the building as a doctor's surgery would have the potential for many more vehicle movements than 5 dwellings and therefore it is not considered that the proposed development would have an unacceptable impact on highway safety.

24. Some of the local residents have raised concern about disruption during construction, particularly in relation to blocking the road. This matter is not a planning consideration but the applicant should be advised that it is an offence under the Highways Act 1980 to obstruct the free passage of the highway. This can be added as an informative on any planning decision notice issued.

Conclusions

25. It is acknowledged that 5 flats may seem excessive for this site and the concerns from the local residents are certainly noted. However, the above assessment has taken into account the character of the area, the space around the site to the north and south, the previous use of the building as a doctor's surgery, the current use of the building as a dwelling and its existing positioning of windows, and the location of the site within a sustainable location in Chesham. Based upon this assessment, the proposal is considered to comply with the Development Plan policies and there are no defensible reasons to refuse the application. As such, the application is recommended for approval, subject to conditions.

Working with the applicant

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

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

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

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 The development to which this permission relates must be begun before the expiration of three years from the date of this permission.

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

2 The materials to be used in the external construction of the development hereby permitted shall match the size, colour and texture of those of the existing building, and the materials to be used for the new parking area shall be permeable.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality or create flooding issues, in accordance with Policies GC1, GC10 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

3 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.

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

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

5 Prior to the commencement of development above ground level, full details of the proposed boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall then be erected/constructed prior to the occupation of the dwellings hereby permitted.

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

6 Prior to the commencement of development above ground level, full details of the proposed bin storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details

shall be implemented prior to the occupation of the dwellings hereby permitted and permanently retained for bin storage.

Reason: To ensure that the development respects the character of the area, does not appear cluttered with bins and to ensure that there is adequate bin storage for future occupiers of the development, in accordance with policies GC1, GC3 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

7 Prior to the initial occupation of the dwellings hereby permitted, the communal garden area shown on the approved plans shall be provided and shall thereafter not be used for any other purpose.

Reason: To ensure that there is sufficient outdoor amenity space for the future occupiers of the development, in accordance with policies GC3 and H12 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

8 AP01 Approved Plans

INFORMATIVES

1 INFORMATIVE: The applicant is advised that information for developers and guidance documents relating to contaminated land can be found online at <http://www.chiltern.gov.uk/article/2054/Information-for-Developers>

2 INFORMATIVE: No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

PL/19/1264/VRC

Case Officer: Lucy Wenzel
Date Received: **09.04.2019** Decide by Date: **24.06.2019**
Parish: **Penn** Ward: **Penn And Coleshill**
App Type: Variation or Removal of a Condition
Proposal: **Variation of condition 12 of planning permission PL/18/4331/FA (Redevelopment of site to provide three new dwellings with two detached garages and one carport, creation of two new vehicular accesses and associated hardstanding) to allow design changes**
Location: **Woodchester
Woodchester Park
Knotty Green
Buckinghamshire**
Applicant: **Mr M Garner**

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
North South Line
Tree Preservation Order
Townscape Character

COMMITTEE CALL IN

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

SITE LOCATION

The site is located to the north of Knotty Green along Woodchester Park. The site has been subject to a number of planning applications for the accommodation of new dwellings on site. Within the site surroundings the dominant dwelling type is that of large detached properties sited within spacious plots with a mixed character type.

THE APPLICATION

Planning permission was granted on the 5th April 2019 for the "Redevelopment of the site to provide three new dwellings with two detached garages and one carport, creation of two new vehicular accesses and associated hardstanding".

Condition 12 of that planning permission relates to approved plans. This application seeks to vary Condition 12 of that permission to allow for some small amendments to the house designs.

This application is submitted under Section 73 of the Town and Country Planning Act 1990 and if approved, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. The National Planning Practice Guidance states that Local Planning Authorities should, in making their decisions, focus their attention on national or local policies or other material considerations which may have changed significantly since the original permission.

RELEVANT PLANNING HISTORY

CH/2011/1283/SA. Application for a Certificate of Lawfulness for a proposed operation relating to the erection of three detached dwellings and garages (Plots 14, 15 and 16) as approved under application reference CH/1989/1316/OA and CH/1989/2497/DE. Certificate granted.

CH/2012/0782/FA. Demolition of existing dwelling and erection of five detached dwellings and garages, refused permission.

CH/2012/1807/FA. The application proposes the demolition of the existing dwelling and the erection of five detached dwellings and garages, refused permission. Subsequent Appeal Dismissed: Due to the scale, orientation and proximity to side boundary Plot 17 would overwhelm and dominate the outlook from the rear garden and impair living conditions at No.4 Latimer Way to a significant degree.

Due to the depth, height and proximity to side boundary Plot 18 would have an overbearing effect on the occupiers of Hawthorn House when in the rear garden and rear conservatory and impair living conditions of these neighbours to a significant degree.

CH/2013/1906/FA. Redevelopment of site to provide three dwellings and one detached garage, creation of two new vehicular accesses and laying of associated hardstanding, conditional permission.

CH/2016/0914/FA - Redevelopment of site to provide two dwellings and one detached garage, creation of two new vehicular accesses and laying of associated hardstanding (amendment to Plots 15 and 16 of planning permission CH/2013/1906/FA), conditional permission subject to a legal agreement.

CH/2018/0122/FA - Redevelopment of site to provide two new dwellings and one detached garage, creation of two new vehicle accesses and laying of associated hardstanding (amendment to planning permission CH/2016/0914/FA), conditional permission subject to a legal agreement.

PL/18/2774/FA - Redevelopment of site (Plots 15 and 16) to provide three new dwellings with two detached garages and one carport, creation of two new vehicular accesses and laying of associated hardstanding, refused permission by reason of the proposed dwellings heights, scale and rear garden depths resulting in the dwellings appearing as cramped and out of keeping with surrounding residential development.

PL/18/4331/FA - Redevelopment of site to provide three new dwellings with two detached garages and one carport, creation of two new vehicular accesses and associated hardstanding. Conditional permission subject to a legal agreement.

PARISH COUNCIL

Received on the 17th May 2019: "Strong objection - we object to the variation of condition 12 which requires the houses to be built without garden rooms and dormer windows." [Officer note: Condition 12 does not state this].

REPRESENTATIONS

Three letters of objection have been received which have been summarised below:

- The 1.8 metre high continuous closeboard fence should remain.
- The ridge heights of the dwellings has been increased making them overbearing to the rear neighbours. [Officer Note: this is not the case, they are as previously approved].
- The proposed rear extension on Plot 1 is a significant addition. [Officer note: it is single storey, set well away from all other properties and is a minor addition].
- The roof pitches are steeper than previously consented, increasing their domineering nature. [Officer Note: this is not the case, they are as previously approved].

- The dwellings are invasive and produce a cramped nature to the site. [Officer Note: they are largely as previously approved].

CONSULTATIONS

Chiltern and South Bucks Waste Management Team

Received on the 30th April 2019: "Waste service note the proposal at Woodchester, Woodchester Park. Waste has no objections to properties for Plots 1-3."

Chiltern District Council's Tree Officer

Received on the 13th May 2019: "The received proposals do not appear to show any changes that would affect the tree retention proposals. However the Site Plan shows an additional extension to the rear of the proposed dwelling on Plot 1 and additional patio areas on all three plots. It also shows different indicative planting proposals but these would be covered by an existing condition on PL/18/4331/FA. I have no objections to the proposed changes."

Buckinghamshire County Council's Highway Authority

Received on the 14th May 2019: "I note that the amended designs brought forward in this application, are not materially different to those from our previous correspondence on the former full application, dated 17th December 2018. Having reviewed the amended proposals in question, I am satisfied that there will not be any material change to the highway network as a result. Mindful of the above, I have no objection to the proposal from a highways perspective, and no new conditions to include in any discharge or variation of condition you may grant."

POLICIES

National Planning Policy Framework (NPPF), February 2018.

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC3, GC4, H3, H11, H12, H18, TR2, TR3, TR11, TR16 and TW3.

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

EVALUATION

1. This application is submitted under Section 73 of the Town and Country Planning Act 1990 and as outlined above, seeks a variation of Condition 12 of PL/18/4331/FA. In determining this type of application the National Planning Practice Guidance states that Local Planning Authorities should, in making their decisions, focus their attention on national or local policies or other material considerations which may have changed significantly since the original permission.

2. In this instance, the relevant Development Plan policies have not changed and there are no material changes on the site. The principle of the development has already been established under the previous application and is still found to be acceptable.

Design/character & appearance

3. The proposed variation seeks permission to allow slight amendments to the house designs for Plot 1-3. The amendments include the addition of small rooflights on all three dwellings, a single storey rear addition

on Plot 1 and a small single storey projecting bay on the rear of Plot 2. The overall scale, heights, distance from the two storey elements to the boundaries and rear garden depths all remain unchanged from the previous permission. The addition of the rooflights is not considered to be significant in their impact upon the previous approved planning permission given that they are to be located in roof slopes which already have rooflights present or are of a minor scale which does not pose a negative change to the appearances of the dwellings. They could also be installed anyway, without any further permission being required, after the dwellings had been completed. Other changes sought are to Plot 1 and Plot 2 with the erection of small single storey rear additions. Plot 2 is proposed to have a small centralised bay erected on the rear elevation of the dwelling. This minor projection would not be visible outside the site and when viewed within the context of the approved dwelling is clearly subordinate and very minor in scale. The rear addition proposed on Plot 1 is also a minor change, tucked away to the side of the dwelling. It will not extend the full width of the rear elevation and will project very modestly along the northern flank elevation of the dwelling close to the boundary line. When viewed in the context of the wider site of Woodchester Park, the dwellings remain largely the same as approved, and there are no planning reasons whatsoever to refuse such small additions, as there would be no harm to the character or appearance of the locality.

Residential amenity

4. As aforementioned, the additional rooflights pose no concern given their location within the roof slopes of the dwellings and there being no proposed new rooflights on the rear elevations. The rear addition proposed on Plot 2 is very small and the addition at Plot 1 is also minor and set well away from all neighbouring dwellings. There can be no argument whatsoever that there would be any adverse impact on the amenities of neighbouring properties. As such, no concerns are raised regarding Policies GC3 and H14.

5. The overall garden depths serving each plot will not be changed and as such the level of rear amenity space proposed remains appropriate to the scale of the proposed dwellings and remains to be considered acceptable having regard to Policy H12.

Parking/Highway implications

6. In relation to parking and highways, the proposed amendments pose no alterations to the access, hardstanding and parking facilities and therefore there are no concerns having regard to Policies TR11 and TR16.

Trees

7. Taking note of the comments provided by the District Tree Officer, the proposed changes do not alter the tree retention proposals provided under the previous application. It is however noted that the indicative landscaping has altered but this will be covered by a condition, as with the previous scheme.

Affordable Housing

8. As the proposal seeks planning permission for the erection of three dwellings and as the application site forms part of a larger site in Woodchester Park, the combination of site areas measures at over 0.5 hectares. As such, in line with the NPPF the applicant must enter into a unilateral undertaking to pay a total of £75,000 towards off-site affordable housing for this proposal based on a contribution of £25,000 per plot.

9. It is noted that such an agreement was completed and although this current application, in effect, grants a new planning permission it was included within the previous agreement under clause (4.7) that is permission was varied by a section 73 application, the agreement would remain binding in relation to the implementation of the new permission. Therefore no new or varied agreement is required.

Conclusions

10. The proposed variations are considered to be extremely minor in scale when considered against the original planning scheme granted permission and they will not adversely affect the character or appearance of the area, the amenities of neighbouring properties, or have parking/highway implications. There are certainly no planning grounds whatsoever to justify a refusal. As such, the proposal is considered to be acceptable.

11. If approved, this planning permission will in effect grant a new planning permission. Therefore it is necessary to impose the same conditions which were imposed on the previous permission, albeit with reference to the new plans submitted.

Working with the applicant

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

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

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

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 The development to which this permission relates must be begun before the expiration of three years from the date of the previous permission PL/18/4331/FA.

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

2 Before any construction work commences above ground level, named types, or samples of the facing materials and roofing materials to be used for the external construction of the development hereby permitted shall be made available to and approved 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.

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

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

4 No development shall take place until an Arboricultural Method Statement, which shall include a Tree Protection Plan, has been submitted to and approved in writing by the Local Planning Authority, which shall detail all work within the root protection areas of the retained tree and hedges. This statement shall include details of protection measures for the trees and hedges during the development, and information about any excavation work, any changes in existing ground levels and any changes in surface treatments within the root protection areas of the trees, including plans and cross-sections where necessary. In particular it shall show details of specialised foundations, ground protection measures and no-dig construction where appropriate. The work shall then be carried out in accordance with this method statement.

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

5 No tree or hedge shown to be retained on the Tree Protection Plan approved under condition 4 shall be removed, uprooted, destroyed or pruned for a period of five years from the date of implementation of the development hereby approved without the prior approval in writing of the Local Planning Authority. If any retained tree or hedge is removed, uprooted or destroyed, or dies during that period, another tree shall be planted of such size and species as shall be agreed in writing by the Local Planning Authority. Furthermore, the existing soil levels within the root protection areas of the retained trees and hedges shall not be altered.

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

6 Prior to the construction of any development, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be at a scale of not less than 1:500 and shall include full details of all species. The trees to be planted along the rear boundary shall be no less than 8 metres high at the time of planting. A detailed timetable for the planting of these trees and general landscaping and the method to be used for the tree planting along the rear boundary (including the vehicles to be used and their access points to the site) shall also be submitted to and approved in writing by the Local Planning Authority. The landscaping shall then take place in accordance with the approved details and timetable.

Reason: In order to maintain, as far as possible, the character of the locality and to protect the amenity levels of rear neighbouring dwellings.

7 Before any construction work commences, full details of the means of enclosure to be retained and erected along all external boundaries of the site and between the individual gardens of the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure along the external boundaries of the site shall be constructed, erected or planted prior to the commencement of any other construction work on the site and the approved means of enclosure between the individual gardens shall be erected prior to the occupation of that dwelling and shall be maintained as such thereafter.

Reason: To safeguard the visual amenities of the locality and the privacy of the adjoining properties.

8 No other part of the development shall begin until the new means of access to serve Plots 1, 2 and 3 have been sited and laid out in accordance with the approved drawing.

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

9 The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose. The garages shall not be converted to provide habitable accommodation at any time.

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

10 Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development falling within Classes A to B of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site, unless planning permission is first granted by the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider whether any future proposals will constitute overdevelopment of the site or will in any other way be detrimental to the character of the locality or the amenities of neighbouring properties.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order, with or without modification), no windows/rooflights/dormer windows or openings other than those expressly authorised by this permission shall be inserted or constructed at any time at first floor level or above in the three dwellings hereby permitted.

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

12 AP01 Approved Plans

INFORMATIVES

1 **INFORMATIVE:** In relation to Condition 6 (landscaping), the applicant is reminded that the trees to be planted along the rear boundary must be at least 8 metres high at the time of planting. Furthermore, this condition requires details of the method of planting and a timetable to be approved. This is because the size of the planted trees will need specialist, large, equipment and once the house footings are in place, it may not be possible to access the rear boundary by the necessary size of vehicle; hence the need for the timetable of planting to be approved.

2 **INFORMATIVE:** In relation to Condition 3, the applicant is advised that the Planning Committee required the dwellings to be set 0.25 metres into the ground to reduce the overall height of those dwellings being erected. This is to improve the relationship with the rear neighbouring dwellings Hawthorn House and Tinkerfield.

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

4 **INFORMATIVE:** The applicant is advised that it is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

5 **INFORMATIVE:** The applicant is advised that no vehicles associated with the building operations on the development site should be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

6 INFORMATIVE: The applicant is advised that a licence 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 period of 28 days must be allowed for the issuing of the licence, please contact the Area Manager at the following address for information or apply online via Buckinghamshire County Council's website at <https://www.buckscc.gov.uk/services/transport-and-roads/licences-andpermits/apply-for-a-dropped-kerb/>

Transport for Buckinghamshire (Streetworks)
10th Floor, New County Offices
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
01296 382416

The End