

CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 18th July 2019

INDEX TO APPLICATIONS ON MAIN LIST OF REPORT

Chesham

PL/18/2066/FA

Ward: Newtown

Page No: 2

Proposal: Demolition of existing buildings, erection of three blocks containing 91 dwellings, associated vehicular access, car parking, landscaping and engineering works.

Recommendation: Refuse permission

Global Infusion Court, Preston Hill, Chesham, Buckinghamshire, HP5 3HE

Cholesbury

PL/18/4413/FA

Ward: Cholesbury, The Lee,
Bellingdon

Page No: 24

Proposal: Demolition of former public house and erection of three terraced dwellings and a cafe with associated hardstanding and landscaping

Recommendation: Conditional Permission

The Rose and Crown Public House, Hawridge Common, Hawridge, Buckinghamshire, HP5 2ZD

Chalfont St Giles

PL/19/0899/FA

Ward: Chalfont St Giles

Page No: 34

Proposal: Change of use to a mixed use comprising a single residential dwelling (Use class C3) and use of the pool for commercial swimming lessons (sui generis). (Retrospective)

Recommendation: Refuse permission

Mardan Ville, Mill Lane, Chalfont St Giles, Buckinghamshire, HP8 4NR

Chartridge

PL/19/1489/FA

Ward: Cholesbury, The Lee,
Bellingdon

Page No: 40

Proposal: Erection of new dwelling including new vehicular access

Recommendation: Conditional Permission

Hawridge View, Ramscote Lane, Bellingdon, Chesham, Buckinghamshire, HP5 2XP

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 18th July 2019

PL/18/2066/FA

Case Officer: Gary Murphy
Date Received: 31.05.2018
Parish: Chesham
App Type: Full Application
Proposal: Demolition of existing buildings, erection of three blocks containing 91 dwellings, associated vehicular access, car parking, landscaping and engineering works.
Location: Global Infusion Court
Preston Hill
Chesham
Buckinghamshire
HP5 3HE
Applicant: Woolbro Morris Ltd
Decide by Date: 01.11.2018
Ward: Newtown

SITE CONSTRAINTS

Adjacent to A and B Road
Adjacent to Unclassified Road
Area of Special Control of Advertisements
Biological Site
Biodiversity Opportunity Areas
Adjacent Biological Notification Site NC1
Bovingdon Technical Radar Zone
Critical Drainage Area
Within Green Belt other than GB4 GB5
North South Line
A and B Roads
Within 500m of Site of Importance for Nature Conservation NC1
Tree Preservation Order (A/G/W)
Townscape Character
Thames Groundwater Protection Zone GC9
Area for Business, Storage, Distribution

SITE LOCATION

This application site (0.75 hectares) is located at the junction of Preston Hill and Nashleigh Hill, on the edge of the built-up area of Chesham. The site fronts onto Nashleigh Hill to the north and Preston Hill to the west, with vehicle access gained from Preston Hill. On site at present is a three-storey office building, and a warehouse building. To the south and west of the site are two and three storey residential properties, located

on Cherry Tree Walk and Russell Court. To the north-east of the site is an area of dense woodland, and immediately opposite the site, on the northern side of Nashleigh Hill are open fields which form the southern edge of the Chiltern Hills Area of Outstanding Natural Beauty (AONB).

There is a row of mature trees along the southern boundary of the site, these trees provide some screening of the site from residential properties on Cherry Tree Walk, and there are a group of protected trees in the north-east corner of the site.

The site is currently occupied by a micro brewery business (Haresfoot Brewery), and the Global Infusion Group, who operate a storage and distribution business from the warehouse (Use Class B8), and there is a separate three storey office building. Part of the site is taken up with surface parking, loading areas and circulation space.

THE APPLICATION

The application proposes the demolition of all existing buildings on site, and the erection of three blocks containing 91 dwellings, with associated vehicular access, car parking, landscaping and engineering works. The three residential blocks are orientated at 90 degrees to Nashleigh Hill. These proposed buildings would range in height from four to five storeys.

Each block has undercroft parking, and there are two banks of surface level parking proposed providing 119 parking spaces in total, with access via a single vehicular access onto Preston Hill.

Landscaping and communal amenity space is proposed around the buildings.

The proposed housing mix would be:-

1bed 2person x34 units
2bed 4person x49 units
3bed 5person x8 units

Total x91 units

100% of the units would be affordable, comprising the following tenure mix (as amended):-

Block A - LHA Capped rents x32 units
Block B - Shared Ownership x36 units
Block C - LHA Capped rents x23 units

Post Submission Amendments

- Some minor alterations to Block B elevations, and changes to pedestrian footways
- Amended housing tenure, proposing an increased provision of LHA capped rent units - as set out above

RELEVANT PLANNING HISTORY

CH/2018/0490/PNO - Prior Notification under Class O of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Change of Use from office (Use Class B1(a)) to nine residential units (Use Class C3) - Prior Approval Granted subject to conditions (n.b. this has not been implemented and relates to the separate three-storey office building currently on site)

TOWN COUNCIL

Concerns have been raised in respect of parking provision, which it is considered would not be sufficient, and the effect that this development would have on traffic movements within, and on to Nashleigh Hill.

REPRESENTATIONS

At the time of writing this report 19 individual objections had been received. This includes one objection received where no address was given. The grounds for objection are summarised below:-

- Will result in an increase in traffic and congestion on Preston Hill and Nashleigh Hill, as a result Preston Hill may not be accessible by emergency/refuse vehicles
- Will lead to increased risk of accidents on Nashleigh Hill
- There is insufficient parking proposed for the development in an area where there are already existing parking problems, and problematic overspill parking will occur on surrounding roads, in particular Preston Hill
- Inadequate visitor parking, and parking for deliveries/trades people proposed
- Disagree with the applicants assumptions that affordable housing developments attract lower levels of car ownership
- Applicant's Highway Safety Review overemphasises the issue of HGV's visiting the site. It is said that these have very little impact, there has been a marked decrease in the number of these recently, and the current operators are sensitive to the surrounding residential properties which helps minimise any effects. The increased number of cars visiting the site if in residential use would outweigh the effects of HGV's that are currently visiting the site.
- The building heights and high density nature of development is out of keeping with the surrounding area - buildings should not be more than 3-storeys
- Scale and bulk of buildings inappropriate and would be overbearing
- This represents an overdevelopment of the site
- Negative impact on air quality (i.e. increased vehicles and increased traffic/congestion)
- Will result in loss of light to neighbouring properties
- Loss of outlook from neighbouring properties
- Building design and materials are unsympathetic to the area
- Any development should provide houses and not flats as this would be more in keeping with the locality
- How will the local infrastructure cope with population increase? (i.e. doctor's surgeries, schools and utilities)
- Inadequate play space for children - houses with private gardens should be proposed
- Inadequate green / amenity space
- No provision for communal drying facilities
- Lack of guarantees that local people will benefit from the proposed affordable housing
- Will negatively impact local property prices (N.B. this is not a material planning consideration)
- Loss of trees, and the impact on wildlife/biodiversity
- Loss of employment land will have a negative impact on the economy (Chesham) and the employment use has existed alongside residential for over 30 years, with no real problems caused.
- Existing employment land should be preserved
- Noise, dust and disruption to residents during construction
- Existing factory is empty during weekday evenings and weekends. If redeveloped for housing then the site would become much noisier and cause disturbance to existing residents
- Lack of any proper engagement / consultation by the developer with local residents

CONSULTATIONS

Buckinghamshire County Highways Officer:

No objection raised, subject to mitigation measures being secured through conditions. The recommended conditions relate to the following:-

- No part of the development to be brought into operation until details of off-site highway works have been approved and carried out;
- Restriction in height of any means of enclosure along the frontage to a height of 0.6m;
- Parking and manoeuvring areas to be provided prior to initial occupation;
- Submission and approval of a Construction Traffic Management Plan (prior to commencement of development)

The off-site works will need to be constructed under a section 278 of the Highways Act legal agreement.

Local Lead Flood Authority (Bucks County Council) and SuDS:

Bucks CC as Lead Local Flood Authority raises objection to the proposal.

"Flood map data shows that the site lies at risk of surface water flooding, with the highest surface water flood risk being on the eastern boundary of the site, meaning there is a greater than 3.3% chance of surface water flooding in a given year. This area, which encompasses part of the development is associated with a surface water overland flow route which flows east to west through the site. The remainder of the building would lie at medium risk from flooding. The site frontage is at high risk of surface water flooding, and the land nearest Preston Hill is at low risk.

The applicant should consider the inclusion of additional openings within ground floor parking areas, or sustainable drainage measures to manage surface water runoff through the site.

The surface water drainage strategy proposed fails to demonstrate that the proposed use of geo-cellular soakaways will be sufficient from an infiltration perspective. More information and testing data would be required. Furthermore, the absence of any water quality treatment prior to discharging to the soakaways is not considered acceptable, and this should be carried out in accordance with BRE 365. A water quality assessment should be provided, following the guidance in chapter 26 of the CIRIA SuDS Manual. The lack of a maintenance plan for the SuDS measures is also not considered to be acceptable. For these reasons an objection has been raised".

Environment Agency:

Confirmed they have no comments to make.

Ecology Comments:

No objection raised subject to conditions requiring a mitigation and enhancement strategy, and recommended Informative relating to vegetation clearance outside the bird nesting season.

District Tree and Landscape Officer:

"Tree Preservation Order No 27 of 1987 protects a group of eleven horse chestnuts just beyond the electricity sub-station at the north-eastern boundary of the site.

The application includes an Arboricultural Impact Assessment & Method Statement and a Tree Protection Plan. Unfortunately the layer on the Tree Protection Plan showing the buildings is inaccurate with all three buildings misplaced in totally the wrong positions. There is no Tree Survey Plan or Arboricultural Implications plan so it is difficult to identify the positions of some of the trees and groups of trees amongst the mass of layers and information on the Tree Protection Plan.

There is a well-maintained hedge about 2m in height around the existing hardstanding area in front of the warehouse, which consists mainly of hawthorn but has been invaded by ivy and some other species. This blends into an old field hedge beside the warehouse on the Nashleigh Hill side but this has been largely neglected in recent years. Nonetheless it could be restored with appropriate work and infill planting. Adjacent to this some scrub woodland is developing on the bank which is about 10m in width towards the rear of the site. This includes trees, particularly ash, about 8-10 in height beside the front of the warehouse but up to about 15m at the rear.

On the Cherry Tree Walk side there are trees, particularly Norway maples, which have previously been topped and are now about 15m in height. In addition there are some multi-stemmed horse chestnuts towards the back beside the warehouse that appear to have been coppiced many years ago.

The hedge on the Nashleigh Hill boundary is shown retained on the plans and so is much of the boundary tree cover. Various poorer trees on the inner edges of the boundary tree belts are shown to be removed including a block adjacent to the Preston Hill end of Cherry Tree Walk. However many of these trees have been classified as Category U in the tree survey with the others in Category C. Consequently no significant trees are proposed for removal and much of the existing screening around the site would be retained. Nonetheless the loss of the trimmed hawthorn hedges on the Preston Hill frontage would be regrettable.

The application plans show some indicative tree and hedgerow planting which would be welcomed.

Overall the loss of the hawthorn hedging on the Preston Hill boundary is regrettable, but much of the existing trees and hedges on the other boundaries would be retained. Consequently there would be no objection to the application provided there is adequate protection for the retained trees and hedges including the proposals in the submitted Arboricultural Method Statement. However a revised Tree Protection Plan would be necessary showing the proposed buildings in their correct positions. In the event that planning permission is granted conditions have been recommended".

Strategic Environment Team:

The submitted Phase 1 Geo-Environmental Desk Study Report has been reviewed. The site's previous history is noted, and it is considered that any impacted material associated with the former brushworks is likely to have since been removed when the site was re-profiled prior to construction of the existing buildings.

Due to the proposed residential use, and areas of communal amenity space/landscaping it is recommended that an intrusive investigation is undertaken to further assess the potential for any contamination to be present. It is recommended that this further investigative work be undertaken prior to commencement of development, and secured by condition.

Disabled Access Officer:

No objection raised.

UK Power Networks:

Objection raised on the grounds the applicant has not served Notice in accordance with the Party Wall Act, nor satisfied the company that the works proposed are not notifiable.

(N.B. These are not material planning considerations and cannot be given weight. The Party Wall Act is non-planning legislation and cannot be enforced by the Council, this would be a civil matter for the applicant/interested party to resolve)

Housing Manager:

No objection to the principle of providing 100% affordable housing, though there are genuine concerns about the true affordability of the units (see paragraphs 30 - 40 below for more detailed discussion).

Planning Policy:

Significant highway problems need to be demonstrated to allow in principle alternative uses to be considered at this site under Policy CS16, however even if this were the case for warehousing other employment generating uses should be considered first.

Objection has been raised (see paragraphs 9 - 19 below for more detailed discussion). There is no policy basis for justifying the loss of the site to affordable housing and the need for affordable housing (in both the Development Plan and emerging Local Plan) should not outweigh the need to continue to have B-Use Class development opportunities in Chesham which is likely to be attractive to the market.

Thames Water:

Confirmed they have no objection.

Waste:

No comments received.

POLICIES

National Planning Policy Framework (2019) (NPPF)

National Planning Policy Guidance

Core Strategy for Chiltern District - Adopted November 2011: Policies CS1, CS2, CS4, CS5, CS8, CS10, CS11, CS16, CS20, CS24, CS25, CS26, CS30, CS31 and CS32.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC2, GC3, GC4, GC9, GC10, H3, H12, E2, E3, TR11, TR15 and TR16.

Emerging Chiltern and South Bucks Local Plan 2036

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

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

EVALUATION

Principle of development

1. The NPPF supports the effective use of previously developed land, supports the supply of new housing and has a presumption in favour of sustainable development. It sets out the need to support economic growth, taking into account both local business needs and wider opportunities for development.
2. The site is located on the edge of 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.
3. The application site is located on the edge of the defined settlement area of Chesham where the site is designated as a built-up area excluded from the green belt, and an area for business and storage or distribution development. Local Plan policy E3 states that development for other uses other than business, or storage or distribution will not be permitted within defined areas.

4. Policy CS16 (Employment Land) within the Core Strategy also outlines that the Council will seek to secure the long-term retention of employment sites and premises within the District which are attractive to the market and provide a range of jobs to meet local needs. It should be noted that Policy CS16 was adopted more recently than Local Plan Policy E3 referred to above. Policy CS16 also allows for a more flexible approach to employment sites such that it is more consistent with current national policy set out in the National Planning Policy Framework (NPPF).

5. Policy CS16 states that where there is an existing employment site in the built-up areas excluded from the Green Belt, the loss of employment as a result of redevelopment for other uses, including residential use, will be acceptable provided one of the exception tests can be met. These exception tests can be met if it can be demonstrated to the satisfaction of the Council that:

- (i) there is no reasonable prospect of the site being used for employment purposes, or
 - (ii) where it is creating significant amenity issues, or
 - (iii) where the existing use is creating significant highway problems.
- (N.B. These tests are not cumulative).

6. Other relevant Development Plan policies should also be complied with to make a proposal acceptable in planning terms, but in view of the aforementioned policy context and the nature of the application, proposing the site's redevelopment for housing purposes the loss of this existing employment land is considered to be the principal issue, and is dealt with in further detail below. As noted, the more flexible approach to employment sites set out in Policy CS16 is consistent with the guidance contained within the NPPF.

7. No evidence has been submitted by the applicant to demonstrate that the premises have been marketed and that there is no reasonable prospect of finding another occupier (in fact it has been confirmed that no marketing exercise has been carried out). Nor has it been submitted that the site is creating significant amenity issues (i.e. impacting on neighbouring residential amenity). The applicant's position, and the main thrust of their case is that the existing B8 use is creating significant highway problems, which it is advanced means the proposal meets the highway safety exception test, and therefore would comply with the requirements of Core Strategy policy CS16.

Loss of employment land:

8. The loss of this occupied, designated employment site is the principal issue for consideration, Core Strategy policy CS16 seeks to secure the long-term retention of employment sites. It has been submitted on behalf of the applicant that the Global Infusion Group, who currently own and occupy the site took a decision in 2016 to consolidate their two existing premises (the application site and another in Watford) to one new, purpose built warehouse facility in Aylesbury. As such a need for the application site will soon become redundant from the current occupier's perspective, but there has been no marketing of the site to see if there is interest elsewhere from another occupier. It has been advanced by the applicant that the current site presents a number of operational difficulties for them, is inefficient, and is prejudicial to pedestrian and highway safety. It is the applicant's position that these operational difficulties (namely the asserted highway safety problems related to servicing vehicles access) are of enough significance to justify the loss employment land, and on that basis it is said that the proposed development meets one of the exception tests, as set out in policy CS16 (i.e. the highway safety test - referred to in paragraph 5 above). The associated highways effects are considered further below, the proposal does however need to be appraised in the context of the policy as a whole, and the aim of the policy being to secure the long-term retention of a portfolio of employment sites which will provide a range of jobs to meet local needs.

9. In addition to purported highways problems the applicant considers the existing premises to be life-expired and no longer fit for purpose. A report provided by surveyors seeks to demonstrate this to be the case, and suggests that the site offers a number of challenges in terms of securing use by another occupier. These challenges are said to relate to size of premises, limited divisibility of warehousing bays, restricted internal clear heights, lack of separate parking and servicing areas, the fact that the office element is physically separate from warehousing and the poor energy efficiency of the buildings. Demolition and rebuild is recommended in the report in order to address the issues and secure continued employment use on site. The findings of this report have not been independently verified by the Council. In any event, for the purposes of policy CS16 the report does not demonstrate that there is no reasonable prospect of the site being used for employment purposes. This is something which would need to be demonstrated through a proper marketing exercise that is then verified. Importantly, the relevant test is not whether the existing buildings are suitable for employment use, which is all the surveyors report seeks to show. The test is whether the site has a reasonable prospect of being used for employment purposes, and the submitted report does not address this.

10. It is relevant that the Council's Planning Policy team has been consulted, and raise objection to the loss of the existing employment land. Their position on this application and reason for raising objection are covered below.

11. This is identified as an employment site in the adopted Chiltern Local Plan (policy E3). The intention of the policy was to maintain existing employment uses in the District because if alternative uses were permitted it would not be possible to replace the employment given the highly constrained nature of the district. Policy CS16 sought to allow greater flexibility in the application of employment policy to identified employment sites, whilst seeking to retain employment sites for the future.

12. The Buckinghamshire Housing and Economic Development Needs Assessment (HEDNA) should be taken into account as a material planning consideration in the determination of this application. This sets out both employment (within specific B-Class uses) needs. It shows that there is an identified shortfall of warehousing needs against existing supply and planned additions within the Chilterns and South Bucks Local Plan area. Therefore, losses from existing employment (warehouse supply) will increase the need for further planned warehousing opportunities.

13. The Draft Chiltern and South Bucks Housing and Economic Land Availability Assessment (HELAA) forms part of the evidence base for the emerging Chiltern and South Bucks Local Plan. It demonstrates a shortfall in supply opportunities for B-Class uses generally but also specifically for warehousing.

14. Whilst there is recognition of B Use-Class land oversupply in neighbouring Aylesbury Vale, from a sustainability and local employment point of view it will remain (as with the current Development Plan) important to continue to protect warehousing uses in Chiltern District that are likely to be attractive to the warehousing market.

15. This particular site is occupied and is not known to have a history of long periods of being vacant. Past occupants are known to have left to secure additional space not available on site which in business development terms demonstrates a useful role for this building.

16. The HEDNA and HELAA also demonstrate a need for housing and affordable housing over the emerging Local Plan period, however the plan will need to secure the right mix of uses to support sustainable communities and meet the needs of the local economy and housing need. Affordable housing need should not necessarily outweigh the need for warehousing, or employment land more generally. The emerging Local Plan will be addressing housing, and affordable housing need as part of a comprehensive plan including consideration to the removal of land from the Green Belt.

17. For the emerging Local Plan, meeting affordable housing need in the most sustainable locations will be a key objective through a plan-led approach. Therefore, although the addition of 100% affordable housing units on this site would positively contribute to affordable housing need more generally, there is no policy basis for saying this provision should outweigh the loss of a site needed for contributing to meeting B-Class uses, or is needed above the planned approach being followed by the Council. There would need to be compelling material considerations to justify a departure from policy.

18. In relation to policy CS16, any "significant highway problems" that it might be suggested make the site inappropriate for continued employment use would need to be supported with robust evidence such as accident reports. However, in policy terms it is advised that even if this position was found to be the case this would not automatically support a proposal for housing as other B-Class uses (in line with the Development Plan) may be appropriate alternative uses for the site, and have a lesser highway impact.

19. As referred to above, the existing three-storey office element on site benefits from Prior Approval (Ref: CH/2018/0490/PNO) to be converted into nine residential units, however implementation of this would not result in the complete loss of employment on site, as the warehouse/distribution element (which is the predominant use on site) would still be capable of being retained. The conversion of the office floorspace could take place in isolation from the warehouse premises, as such this unimplemented Prior Approval is afforded limited weight only when weighing up the planning balance, including the potential loss of employment land.

20. A rebuttal from the applicant to the policy position has been received. This has put forward material considerations that it was suggested be given significant weight as part of the overall planning balance. These considerations comprise; (i) failure to account for objectively assessed housing need in Chiltern District; (ii) failure to give due regard to the deliverability of the site; (iii) the Prior Approval decision in relation to the three-storey office building, that it is said will dilute the employment function of the site; (iv) the need to assess future employment floorspace need in a fluid rather than static way. Given the housing need pressures in the District, the delivery of 100% of units as affordable housing, the arguments advanced in terms of the existing use and highway safety and the market signals regarding warehousing demand generally in the District, the applicant contends that these material considerations tip the balance, and justify the loss of the existing employment land.

21. It is also relevant to note that the Council's Economic Development Officer would wish to seek retention of the site for employment use. They work closely with Bucks Business First, and in their opinion there is generally a demand for employment floorspace, such as this.

22. The applicant contends that the asserted highway safety problems associated with the current operations on the site are of sufficient gravity to meet the highway exception test, as set out in policy CS16, and that on this basis the proposal accords with the policy. In the applicant's Transport Statement it is submitted that the current site is not designed to accommodate the size and level of servicing vehicles associated with the current use. For example, the following has been sighted as being problematic:

- HGV's are unable to access the site at times due to residents parked vehicles on Preston Hill, causing conflict;
- As a result of parked vehicles on Preston Hill articulated lorries sometimes have to park up on, and block Preston Hill, limiting access to Nashleigh Hill for residents, as well as endangering pedestrian safety;
- The proximity of the existing site access to Nashleigh Hill junction reduces the ability for larger goods vehicles to safely plan their entrance/exit to the site until they are already on Preston Hill.

23. It has been advanced by the applicant that the existing use is generating an adverse and significant risk to highway safety due in part to the aforementioned issues. Furthermore, a Highway Safety Review Technical Note has been produced by their consultants to review and summarise what they consider to be the pertinent highway safety issues associated with the existing use of the site. The review highlights a number of points from a highway safety point of view:

- Visibility splays along Nashleigh Hill exceed the minimum distances stated in Manual for Streets and are therefore considered acceptable in terms of highway safety;
- Visibility splays along Preston Hill from the north western exit do not comply with the minimum distances stated in Manual for Streets and are therefore not considered to be acceptable in terms of highway safety;
- The existing use attracts HGV's and vans, with vans said to visit on a daily basis. It is submitted that up to 10 deliveries per week are from 16.5m articulated lorries;
- Personal injury collision data has been obtained for the period 01/12/13 to 30/10/18, for two locations. A total of 32 collisions were recorded over the period, which resulted in one fatality, 10 serious collisions and 21 slight collisions.
- Specifically a total of 8 collisions involved HGV's, and these accidents have been examined in greater detail. Just one of these incidents was recorded on Nashleigh Hill, near to the junction of Preston Hill resulting in a slight collision. The collision was caused by a cyclist turning right onto Preston Hill whilst an HGV slowed down to allow the cyclist to make the turn. At the same time, the HGV was overtaken by a motorcycle causing a collision.

24. In summary, of the eight collisions referred to involving HGV's over the aforementioned 5 year period, just one collision occurred close to the junction of Nashleigh Hill and Preston Hill. This was the closest recorded incident to the application site, however on review of the supporting information it is not considered that any statistical significance can be applied to the trip generation of HGV movements, and/or the reported accident history. Closer examination of the reported incidents does not attribute these incidents to the existing use of the application site, or the way in which the current occupiers operate, nor are there any clusters of incidents that can be linked back to the existing use.

25. The Highway Safety Review highlights the purported turning difficulties associated when HGV's visit the site. Photographs provided demonstrate that on occasions, HGV's when turning left into Preston Hill are forced to sweep onto the opposite side of Preston Hill while making the turn, causing obstruction to users of Preston Hill. When exiting the site and turning right such vehicles again block the road, and are forced to sweep over the pedestrian footway on the opposite side of the road causing a potential pedestrian hazard. As a consequence of these turning difficulties smaller passing vehicles such as cars and vans will sometimes mount the footway in order to pass and are at times blocked from turning into Preston Hill from Nashleigh Hill. The review advances that the risk to pedestrian safety is a totally unacceptable situation in highway safety terms, and that were the existing employment use to cease operation then these sorts of problems would no longer present themselves, which would be an improvement to highway safety. Swept path analysis further shows that parked vehicles on Preston Hill present safety issues for HGV's entering and exiting the site.

26. In view of the aforementioned safety review findings it is the applicant's position that the current use of the site causes significant highway problems, and that the redevelopment proposal would improve this situation by removing the need for HGV's to access the site, in turn reducing the movement of HGV's on the local highway network. It is suggested that this amounts to sufficient grounds to justify release of the site as an employment site, for residential development in line with the highways exception test, as set out in policy CS16.

27. Were the existing employment use to cease operation then the pedestrian safety hazards associated with HGV's oversailing the footway on Preston Hill would no longer present themselves. It is accepted by

officers that this would be an improvement in highway safety, but this in itself would not tip the balance to justify release of this employment site.

28. In weighing up the wider highway safety problems identified by the applicant it should be borne in mind that, firstly, this is a long-standing occupied employment site where visits by HGV's will have regularly been taking place over a very long period of time/ number of years. It has been said by the applicants that up to 10 deliveries per week are from HGV vehicles, and over the five year accident history period referred to in the Safety Review Note, just eight collision incidents recorded involved HGV's, with only one of these incidents occurring close to the Nashleigh Hill and Preston Hill junction. On reflection, it is considered that the accident collision history does not point to a significant highway safety issue in respect of HGV's visiting this site specifically. Nashleigh Hill is in any event a well-used A-road used by large goods vehicles, and this will continue to be the case irrespective of the use of the application site. Given the relatively low number of HGV trips to the site on a typical week, were the employment use to cease it is not considered these would have a material impact in terms of reducing HGV vehicles on the road network, including Nashleigh Hill.

29. The Highway Safety Review document submitted in support of the application purports to demonstrate the difficulties with HGV's accessing the site, and the Highway Authority recognises there is a highway risk associated with such manoeuvres. To satisfy the exception test in policy CS16 any highway problems identified must be of such gravity that they outweigh the strict protection of employment land that is afforded through the policy and the off-site highway effects would need to pass the threshold of unacceptability in planning terms. Where that threshold lies in any given case is a matter of planning judgement. In relation to highway safety, what is an unacceptable risk will turn on a variety of considerations. This interpretation of the policy was set out in legal advice obtained during the assessment of the application. The legal advice is that the exception test is plainly directed at sites which are no longer suitable for employment use because, inter alia, of the problems which that use gives rise to. Officers do not consider that this site is one that can be deemed no longer suitable for employment use of some form, and no marketing exercise has been carried out to test market demand. Whilst it may not meet the operational needs of the current occupiers this does not preclude it from another form of B-class use, and/or another occupier who could quite feasibly have different servicing patterns and attract smaller servicing vehicles, therefore not giving rise to the detrimental highways effects advanced by the applicant in relation to HGV's and the current occupier.

30. In summary, the Council recognises that there are some operational challenges around servicing, however the same could be said for a number of older established employment sites in the District that are in built up areas close to residential uses, and that alone is not considered to be a sufficiently robust reason to justify a sites release for non-employment uses. The intention of the policy (CS16) is to maintain existing employment uses for economic reasons. It is accepted that redevelopment of the site for housing would improve pedestrian safety on Preston Hill as HGV's would no longer be visiting the site, whilst this is a material consideration it is not considered to tip the balance in favour of releasing this employment site. This is an established employment site, well located in connection to Chesham and the road network with no evidence of periods of vacancy, suggesting it performs well. The highway effects referred to by the applicant have been duly considered, however these are not considered to pass the threshold of what would be considered "significant highway problems" in order to justify release of this employment site, and does not lead to the conclusion that the site is no longer suitable for employment use of some form. Some of the existing highway effects referred to could potentially be mitigated through improved on-site servicing management by the current, or another occupier. If the issue of vehicles parking along Preston Hill was considered to be of such gravity then the Highway Authority would have powers to introduce waiting restrictions along this stretch of the road, but to date it has not deemed that necessary. As such, the highway effects associated with this established employment site are not found to pass the threshold of unacceptability, accordingly the proposal fails to comply with the provisions of policy CS16 which seeks to secure the long-term retention of

employment sites. Notwithstanding the policy conflict, in weighing up the planning balance it is necessary to consider whether there are material considerations that would in this case justify an approval contrary to adopted policy.

Affordable Housing

31. The application proposes 100% affordable housing comprising the following tenure mix;-

Block A - LHA Capped rents x32 units

Block B - Shared Ownership x36 units

Block C - LHA Capped rents x23 units

Total = 91 units

32. Core Strategy policy CS8 sets out that in new developments containing 15 or more dwellings, at least 40% of the dwellings shall be affordable. In this respect the proposal is more than policy compliant.

33. Policy CS10 sets out that in relation to affordable housing the Council should seek a minimum of 70% social rented and a maximum 30% shared ownership. The appropriate mix in any particular development will also be determined by viability and local circumstances.

34. When the application was initially submitted it was proposed to provide 35% (x32 units) as affordable rent, 25% (x23 units) as Local Housing Allowance (LHA) capped rents, and 40% (x36 units) as shared ownership. The Council's Housing Manager noted the commitment to delivering sub-market rented housing and low cost home ownership products, recognising that this would potentially have positive benefits. However, some concern was raised as to exactly how far the proposed scheme / tenure mix would go in actually delivering affordable housing that meets local needs, as the type of affordable housing proposed may still be unaffordable to local persons whose needs are not being met by the local housing market.

35. Taking the affordable rent tenure first, in accordance with the Government's rent policy for affordable rent these units would be at least 20% below local market rents. Notwithstanding that these properties would meet the wider definition of affordable housing, the Housing Manager raised concern that a rent level set at 80% of local market rent levels may mean that these properties would be unaffordable to some on the Council's Housing Register. The preference in terms of meeting need would be for rent levels to be set at Local Housing Allowance (LHA) rates as this reflects market rent levels used to determine housing benefit assessments. The NPPF definition of affordable housing does refer that affordable housing should be for those "whose needs are not met by the market", and an affordable rent level of 80% could potentially be unaffordable to some local households in Chiltern District.

36. In respect of the LHA capped rental units, again there was a concern that these properties would be unaffordable to some on the Council's Housing Register. The Housing Manager sought clarity on whether these units would be capped at LHA rate in perpetuity, which would be the preference as this would mean these units are more likely to be affordable to a larger number on the Council Housing Register. The applicant confirmed that the rents will only be capped at LHA rate at the first letting and that the provider reserves the right to increase the rent over time to affordable rent levels (i.e. 80% of market rents). The applicant confirmed that the Registered Provider would not be agreeable to capping the rents at LHA levels in perpetuity. Therefore, any benefits to local people arising from rents initially being set lower than affordable rent levels will only apply to first lettings and could potentially be lost in the medium to long-term as rents are increased up to 80% of market rents.

37. The applicant was advised that the affordable housing (of the tenures originally specified) lead to concerns that these might not be truly affordable for the area, and in terms of the overall planning balance it was not considered the affordable housing offer (of the tenures proposed at that time) would provide

sufficient justification to justify this non-policy compliant scheme, and to outweigh the harm resulting from the loss of this employment site. The proposed affordable housing did not amount to a strong enough material consideration to outweigh the conflict with policy CS16.

38. As a response the applicant sought to amend the affordable housing tenure with a view to making a more compelling case for there being strong enough material considerations to justify development that is contrary to policy. Officers advised that the introduction of a significant proportion of Social Rental units, in accordance with the Government's rent policy for Social Rent would present a more compelling case for consideration as this would provide lower cost housing that was affordable to wider range of households, and therefore better meeting local needs. In response the proposed housing tenure was amended by the applicant and the main change to the housing mix was to propose a greater proportion of units at LHA capped rents (blocks A and C), resulting in 60% of units (N.B. that these units would only be capped at LHA rates at first letting). No Social Rent units were introduced, with the applicant stating that it would not be viable to deliver Social Rent as part of an all affordable scheme, however this position needed to be tested.

39. A viability exercise was undertaken with a view to establishing whether the provision of Social Rent units would be viable as part of an all affordable scheme, and if so, what would be the maximum viable proportion. The applicant submitted financial appraisals of a number of different scenarios, including with Social Rent units. Their submissions advanced that the introduction of Social Rent units has a material impact on the scheme viability, and that the introduction of a proportion of private sale units would be required to support the delivery of Social Rent on site. Consultants, acting on behalf of the Council have been appointed to provide viability advice on the applicant's appraisals and determine whether an all affordable scheme for 91 units can viably support provision of Social Rented, and if so, establish what a viable proportion of Social Rented would be in this development.

40. The consultants concluded that the a residential scheme proposing 100% affordable (60% LHA capped rent and 40% shared ownership) does not produce a higher land value than the benchmark land value, and question if this would even be viable to implement. From their analysis of Social Rent provision it was concluded that it would be viable to deliver 47% Social Rent, but the remaining 53% would need to be private sale units in order to produce a positive land value. Clearly a mix of tenures involving 53% private sale units would be materially different to a 100% affordable scheme, as currently proposed. On reflection, whilst there would be some benefit to be gained in terms of this mix delivering a proportion of units at Social Rent levels, when this is balanced against the fact you would need to introduce a large proportion of private sale units to make this a viable proposition, thereby significantly reducing the amount of affordable housing overall compared to the current proposal it is not considered to present a more compelling case in terms of meeting housing need than the current proposal.

41. As this is an all affordable proposal, and notwithstanding the concerns raised as to whether these units would be truly affordable for the area and those on the Housing Register, the tenures proposed meet the Government's definition of affordable housing. The application would then provide sufficient affordable housing to meet the requirements of policy CS8 (i.e. at least 40% provision). However, a completed Legal Agreement does not accompany this application to secure the affordable housing level that is proposed. As such, there is no mechanism in place to secure the required affordable housing and the proposal is therefore contrary to Policies CS8, CS10 and CS11 of the Core Strategy.

Layout, scale design, character and appearance

42. Core Strategy Policy CS20 requires that new development is of a high standard of design which reflects and respects the character of the surrounding area and those features that contribute to local

distinctiveness. Local Plan Policy GC1 also requires that development is designed to a high standard and sets out that design includes both the appearance of the proposed development and its relationship to its surroundings including scale, height, siting and adjoining buildings and highways; appearance of car parking and servicing areas; building materials; and design against crime. Local Plan Policy H3 also states that new dwellings should be compatible with the character of the area in respect of scale, siting and height. These good design principles are also reflected within the NPPF which states that the Government attaches great importance to the design of the built environment. The NPPF also states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

43. The application proposes the erection of three separate buildings, orientated at right angles to Nashleigh Hill. Block A is positioned furthest east on the site, with Block B in the centre of the site, and Block C closest to Preston Hill. Each of the buildings are set back from the northern site boundary with Nashleigh Hill to varying degrees, with a landscaped edge provided, and the existing mature hedge retained along this frontage. Block A is to be set back behind a group of existing mature trees, including protected trees in the north-east corner, which will reduce this buildings visual impact within the streetscene. The degree of setbacks from the Nashleigh Hill frontage varies with each block, Blocks A and C achieve more generous setbacks, with Block B projecting further forward.

44. The scale of buildings varies across the site. Block C is four storeys, and is the lowest of the three buildings, at 12.5m. Blocks A and B, which are set away from Preston Hill are five storeys, at 15.5m high. Due to rising topography immediately outside of the site from west to east, and the levels within the site, which are lower than the existing levels outside the site to the north, and north-east, the lower finished floor levels mean the full extent of the five storeys for Blocks A and B is reduced in terms of impact on the streetscene. Due to the site levels being lower than the immediate surroundings the proposed buildings do not project higher than the existing dwellings on Cherry Tree Walk, which are situated on higher land.

45. The individual blocks are situated between 18m and 22m apart, this level of separation is considered to be sufficient to ensure that direct overlooking and loss of privacy does not occur between facing elevations. A separation distance of approximately 38m will be achieved between the flank ends of Blocks A, B and C, and the facing elevations of existing dwellings on Cherry Tree Walk. In addition existing trees along the southern boundary will provide screening between the proposed development and the existing dwellings on Cherry Tree Walk.

46. Each block has undercroft parking at ground level, meaning that all dwellings are at first floor and above, with the exception of Block C (located closest to Preston Hill). Block C has two residential units at ground floor, which address the site frontage and the most prominent corner of the site. In addition to the undercroft parking, two banks of surface level parking are proposed in between the blocks which it is considered somewhat dominate the site, resulting in large areas of hardsurfacing. In turn this limits the provision of useable amenity space and landscaping. Given the number of units proposed a high number of car parking spaces are required, although it is noted the number of car parking spaces being proposed does not meet the Council's adopted standards. The overall spread and dominance of car parking areas, at the expense of useable amenity space and landscaping is not considered to be of a good design. All parking areas are to be accessed by a shared internal access road located towards the rear of the site, and there will be a single vehicle access point from Preston Hill (currently there are two vehicle accesses along this frontage of the site).

47. Two pedestrian access points are proposed along the northern edge of the site, providing direct access from Nashleigh Hill, and one of these will be a level access. Block C will also have direct pedestrian

access from Preston Hill. Pedestrian routes within the site are however considered to be poorly defined, as referred to above.

48. Cycle parking and refuse storage is all provided internally, at ground floor, within each of the three blocks. No concerns in respect of access, location, or level of provision have been raised by Highways.

49. A contemporary design for the buildings has been proposed. Each building is of flat roof design, with the top floor to each being set in and set back to reduce scale and break up the massing. Elevations are predominantly brick, which reflects local character. It is suggested a mixture of brick types be utilised, with a darker grey brick to address ground floor parking areas, and a lighter, softer brick for the remaining upper floors. It is proposed to add interest and detailing to the elevations through variations in how the bricks are laid, brick patterns and the use of soldier courses and vertical brick columns. It is considered that these features will help to articulate the elevations.

50. The top floor elements to each building (which are of reduced footprint to the floors below) are to be treated in a mixture of seam cladding and timber cladding. All balconies are to be recessed, which helps to break up the elevations by introducing projecting and recessed elements, which through their variation will add visual interest to the elevations, and help to articulate the individual blocks.

51. The Council's Urban Design consultant has reviewed the scheme, and in doing so has highlighted design elements of the scheme that are of concern, and which require further consideration. It is recommended that improvements to pedestrian connectivity within the site be made, as clear pedestrian routes within the site are lacking. In terms of how the proposal responds to local character, and also in terms of materiality this is not clear. The relationship between buildings and the street/public realm is largely characterised by blank elevations, particularly at ground floor due to the undercroft arrangement. There is the potential this will create opportunities for crime and anti-social behaviour due to lack of activity and natural surveillance at ground level. To address this, changes to the design could result in more of the units having their own entrances, which would liven some of the blank areas. Opportunities to calm vehicle speeds within the site have not been taken, which reaffirms concerns about pedestrian connectivity / priority, and car parking is considered to visually dominate the site. Some areas around the buildings are considered to be poorly defined with no clear public or private function, and the detailed design of the communal areas needs further consideration. Due to these design failings it is not considered that policy CS20 is adequately met.

Quality of residential accommodation

52. Local Plan policy GC3 seeks to protect the amenities of existing and adjoining neighbouring properties and ensure that good standards of amenity are provided for future occupiers.

53. With regard to the amenity of future occupiers, Policy H12 concerns the provision of residential amenity space. In the case of flats, Policy H12 states that communal garden areas should be provided which are adequate for the number of dwellings proposed. This should include areas for refuse disposal and drying clothes, as well as an area in which residents can sit outdoors in reasonable privacy. The supporting text for this policy provides guidance as to the amount of external amenity space which will be sought. For one bedroom flats this is 25sqm per unit, for two bedroom flats this is 30sqm per unit and for three bedroom flats this is 40sqm per unit.

54. The two ground floor units in Block C are each afforded private gardens of 45sqm and 60sqm. All upper floor flats have their own private balconies, ranging in size from 4sqm to 9.8sqm. At ground floor a communal area of 241sqm, demarcated as natural play area is proposed. Further communal space is proposed to the north, east and south of blocks A and B. However these communal areas do not provide the opportunity for formal play, and due to their layout, nature, change in levels across the site and the fact that

large areas of communal space will be beneath tree canopies with significant shading, or on sloping ground it is not considered these would provide quality, useable amenity spaces. They do provide a landscape setting for the proposal, however due to the aforementioned concerns the quality of communal amenity areas is considered to be compromised and inadequate, and contrary to Local Plan policy H12. The site is not within easy walking distance of the public parks in Chesham, with Lowndes Park in particular being sited some distance away. As such the inadequate outdoor amenity space would result in poor living conditions for future residents, contrary to policies GC3 and H12.

55. The daylight and sunlight assessment concludes that the proposal would provide accommodation, which meets, or in the majority of cases exceeds the average daylight factor criteria.

Neighbouring residential amenity

56. It is noted that third party objections have been received raising loss of light and outlook. However the scheme has been designed so that generous separation distances to neighbouring properties are retained so as not to cause material harm to amenities.

57. There are existing residential neighbours to the south, on Cherry Tree Walk. An existing row of mature trees provides a screen and buffer between Cherry Tree Walk and the application site. It is proposed to retain a large section of this existing tree buffer, with some tree removal proposed in the south-west corner of the site, to accommodate parking spaces. The landscape strategy proposes replacement tree planting in this part of the site to ensure the tree buffer is retained, albeit this will be in a slightly different form in the south-western corner. The layout and orientation of the three proposed blocks will not result in directly facing habitable windows being orientated towards Cherry Tree Walk properties. The windows within the proposed blocks will face east-west, or west-east onto one another across internal courtyards. The flank ends of each of the blocks will not contain habitable windows, as such there would be no undue overlooking of neighbouring properties on Cherry Tree Walk, or undue harm to neighbouring privacy.

58. The existing properties on the opposite side of Preston Hill do not contain side facing habitable windows. There would not be any direct overlooking, or loss of privacy to these neighbouring occupiers due to the orientation of blocks to one another.

59. Policy GC3 seeks to ensure noise conditions are not harmful to existing or future occupiers. A noise assessment has been undertaken to determine if the current noise from existing sources (i.e. road noise) will result in acceptable living conditions for future occupiers of the proposed units. The existing background noise climate was established, and this determines the proposed acoustic strategy. The assessment has rated the site as medium risk, and recommends mitigation measures to do with construction of walls, ceilings, windows and the need for acoustic trickle vents. Incorporation of these will result in acceptable living conditions for future occupiers.

Parking/highway implications

60. 119 car parking spaces are proposed within the site for 91 dwellings. In accordance with Local Plan policy TR16 relating to parking standards, the parking standard for 31 of the 91 flats proposed is 1 space per flat (plus 1 visitor space for every 4 flats), and the parking standard for 60 of the 91 flats is 2 parking spaces per flat. Consequently, the overall parking standard for the scheme is 151 allocated spaces and an additional 8 non-allocated spaces to comply with policy (159 in total).

61. 92 cycle parking spaces are proposed which is considered by the Highway Authority to be an acceptable level.

62. The proposed 119 un-allocated spaces represent a shortfall of 40 parking spaces from the Council's parking standards. These are not minimum standards, but generally standards form the starting point to assess a proposal. Five disabled bays are marked out, however there is no provision for electric charging points. The Transport Assessment anticipates that any unmet parking provision would be accommodated on the local highway network. The location of the site is towards the edge of Chesham and the town centre is between 1.4km and 1.9km walking distance away. As such it is considered the parking standards should be more or less met in this location.

63. Additional information has been provided that seeks to justify the non-policy compliant level of parking. The 'Parking Review' document submitted details parking provision surveys carried out at some of the Housing Association's other sites. Four sites are referred to, however, it should be noted all are outside the District. The survey data shows that the parking ratio for the proposed development (131%) would be higher than when compared to the other housing developments. Furthermore, the parking surveys show that on each visit, regardless of time of day, the parking areas at each comparable development were never at capacity. Survey data from 2016 has been used to demonstrate car ownership levels in these other sites, and the data shows that 30% of residents do not own a car. Based on these car ownership levels it is predicated that the 91 proposed flats would generate 85 residents' vehicles. Census data for Chiltern District has also been used, an approach now advocated by the NPPF, and TRICS trip rates data for affordable housing developments elsewhere has also been used to further justify the shortfall in parking provision. The outcome of this review is that the applicant predicts the 91 proposed flats will generate 85 to 86 residents' vehicles, and that an additional five spaces would be required for visitors. A total of 91 car parking spaces therefore being required, while 119 spaces will actually be provided.

64. No objection has been raised by the Highway Authority in relation to the level of parking provision, however the relevant parking standards (policy TR16) used to assess the impacts of proposed development are set out in the adopted Local Plan. Therefore, it is for Chiltern District Council to determine what it considers to be appropriate in terms of car parking provision, based on its adopted standards. A small shortfall in spaces may be acceptable in some cases, and where justifiable with appropriate evidence. However in this instance this degree of shortfall, with no visitor parking, and no mechanism to control displaced on-street parking would likely result in an over reliance on the nearby residential roads to cater for future parking demand and any parking overspill. Indeed the applicant expressly refers to local roads having to accommodate any displaced parking. This has the potential to cause danger and inconvenience to other highway users and pedestrians. The comparison sites referred to in the 'Parking Review' are all noted as being outside of the District, the location and individual site circumstances of these are not known either, as such these are afforded very limited weight in consideration of the parking situation at this site. The significance of the parking shortfall is a material consideration and it has not been demonstrated that there is a satisfactory solution for dealing with and managing the number of parking spaces required to be policy compliant. The site is on the very edge of the built up area of Chesham, and is a reasonable walk (15 - 20mins) to Chesham Station. Notwithstanding the nearby bus routes that provide connections it is not considered to be a highly sustainable location whereby lower levels of car ownership could be expected. The site is immediately adjacent to residential streets, where there are no on-street parking controls. As such if officers concerns are realised and there is demand for more parking than is provided for within the site boundaries, this will lead to transferred parking (potentially a significant amount) onto these nearby residential streets, which would not be acceptable. Officers do not accept the broad assertion made that affordable housing developments attract lower levels of car ownership.

65. Noting the shortfall in parking proposed against current adopted parking standards it is relevant that the emerging Chiltern and South Bucks Local Plan 2036, currently out for consultation, would be seeking an even greater level of parking provision, based on the number and mix of residential dwellings proposed here. As the Local Plan is an emerging document, yet to be subject to examination, but is afforded limited weight, it

is a material consideration in the determination of applications. In terms of parking provision the proposed scheme would result in an even greater level of shortfall when considered against the emerging Local Plan, which further supports the case for the parking provision being insufficient for a development of this size.

66. In terms of general site layout, access (including refuse vehicles) and visibility, there are no identified concerns from a Highway perspective. The overall trip generation expected with the proposed development shows a slight increase in movements over the existing use, particularly during the evening peak period, and that between 09:00 and 10:00am an expected decrease. The Highway Authority does not consider the expected increases in movements to be significant.

67. The Highway Authority has considered the accident collision history data, which implies that the proposed development will remove significant highway risk through a reduction of HGV's on the road network. However, as referred to above the Highway Authority considers that given the nature of Nashleigh Hill as an A-road, statistical significance cannot be applied with the trip generation of HGV's (daily) and the accident history. It is noted that the majority of the collisions referred to are attributed to driver error rather than highway design.

68. No junction modelling has been carried out, however this is not of concern as the Highway Authority has carried out their own TRICS analysis to verify the applicants analysis.

69. The Highway Safety Review document submitted in support of the application purports to demonstrate the difficulties with HGV's accessing the site, and the Highway Authority recognises there is a highway risk associated. However, it should be noted that this is a long-standing use and no necessary action has been taken to date by the Highway Authority to remedy any highway effects. To satisfy policy CS16 any highway problems identified must be of such gravity that they outweigh the strict protection of employment land that is afforded through the policy and the off-site highway effects would need to pass the threshold of unacceptability in planning terms. Where that threshold lies in any given case is a matter of planning judgement. In relation to highway safety, what is an unacceptable risk will turn on a variety of considerations. This interpretation of the policy was set out in legal advice obtained during the assessment of the application. The legal opinion goes on to advise that the exception test is plainly directed at sites which are no longer suitable for employment use because, inter alia, of the problems which that use gives rise to. Officers do not consider that this site is no longer suitable for employment use, whilst it may not meet the operational needs of the current occupiers this does not preclude it from another form of B-class use, which could feasibly have different servicing patterns and attract smaller servicing vehicles. Another form of B-class use may not give rise to the highways effects referred to by the applicant in relation to HGV's.

70. The Highway Authority does not raise objection subject to certain mitigation measures and conditions being secured, some of which would relate to off-site works. They have referred to the requirement for a new uncontrolled crossing point on Nashleigh Hill to serve access to existing bus stops, as well as the need to upgrade existing bus stops to shelters containing real time travel information. It is suggested these works be secured via condition, which would need to be a Grampian-style condition, with the need for a section 278 of the Highway Act legal agreement securing these works prior to occupation.

Trees

71. The District Tree and Landscape Officer has assessed the proposal and raised no objections to the scheme, with conditions recommended in the event that planning permission was to be granted.

Sustainability and Energy

72. Core Strategy Policy CS4 sets out sustainable development principles for new development and all new development is expected to have regard to these principles. At the heart of the NPPF is a presumption in favour of sustainable development, and to go some way to achieving this development shall mitigate and adapt to climate change, and support a reduction in carbon emissions.

73. Core Strategy Policy CS4 seeks to ensure that development is sustainable, and that it helps contribute towards national targets to reduce overall CO₂ emissions. Policy CS5 requires that for new development of more than 10 dwellings at least 10% of the energy requirements are from decentralised and renewable or low carbon sources. Guidance is also provided within the Sustainable Construction and Renewable Energy SPD (2015).

74. Supporting the application is an Energy Statement, setting out the energy strategy proposed for the buildings. This strategy incorporates a range of energy efficiency measures, including high levels of insulation to achieve low U-values, highly efficient individual gas boilers, low energy lighting, and low air tightness requirements. Additionally, PV panels are proposed that will provide at least 10% of the developments energy requirements and contribute to a 21.32% reduction in CO₂ emissions. In the event of an approval these measures would need to be secured through condition, to ensure compliance with policies CS4, CS5 and the NPPF.

Flood Risk and Drainage

75. The site is located within Flood Risk Zone 1, the Lead Local Flood Authority (LLFA) has advised the site lies at risk of surface water flooding, with a high surface water flood risk on the eastern boundary of the site. Part of the proposed development would obstruct a surface water overland flow route, which flows from east to west through the site. The site frontage adjacent to the building is identified as being at high risk of surface water flooding and the land nearest to Preston Hill is at low risk.

76. Core Strategy policy CS4 seeks to ensure the long-term sustainability of development and all new developments are expected to address the sustainability principles set out in Table 1 of the policy. This includes an assessment of surface water drainage impacts and the inclusion of Sustainable Drainage Systems (SuDS). In this regard the comments from the County Sustainable Drainage Officer are noted, with objection having been raised owing to concerns relating to surface water overland flow routes, lack of infiltration rate testing of soakaways, water quality assessment and absence of details of long-term maintenance plan. It is understood that following the objection being raised there has been further discussion between the applicant and the LLFA, in order to overcome the objection and there has been some progress. It has however been confirmed by the LLFA that despite these discussion they are not in a position to remove their objection. For this reason it is not considered that policy CS4 is complied with.

Contamination

77. Environmental Health considers that any impacted material associated with the former brushworks use of the site is likely to have been removed when the site was reprofiled prior to construction of the existing buildings. Given the proposed residential use and based on the findings of the desk study, it is considered that contamination will not be at levels that will prevent the development of the site for residential purposes. Notwithstanding this, some recommendations for further site investigation have been made, and conditions have been recommended were the application to be approved.

Ecology

78. The application is supported by an ecological assessment. Overall the habitats within the site are found to be of relatively low ecological value and habitats of key ecological concern are to be avoided. It is considered that the impact of the proposed development on protected species has been given due regard.

79. Core Strategy policy CS24 seeks to conserve and where possible enhance biodiversity. The NPPF also promotes the conservation and enhancement of ecology/biodiversity. It is therefore recommended that a detailed scheme of ecological mitigation and enhancements be secured through condition.

Local Infrastructure / Education facilities

80. Policy CS31 of the Core Strategy sets out that new development proposals must ensure that adequate infrastructure capacity is available to meet the needs of future occupiers and not intensify existing deficiencies. In this respect, the comments from the School Commissioning Officer are noted and a financial contribution of £192, 457 is identified as being required to provide for the additional education facilities that would be generated by the proposed development. This would need to be secured by way of a Legal Agreement. Confirmation of the level of contribution required to make the development acceptable was only received prior to finalising this report, it is therefore not known if the applicant is agreeable to this level of contribution. A verbal update to Committee will be given in this respect. In any event this infrastructure contribution would be necessary to make the impacts of the development acceptable in planning terms. This application does not include any accompanying legal agreement in compliance with the requirements of policy CS31. In the absence of a mechanism to secure this contribution it is therefore, unacceptable, and would be likely to result in undue pressure on existing primary and secondary school places.

Sustainable Development and Planning Balance

81. The NPPF sets out objectives of a presumption in favour of sustainable development and highlights three dimensions of sustainable development as listed in paragraph 11. The three dimensions to sustainable development comprise an economic role, a social role and an environmental role. The NPPF states that these roles should not be undertaken in isolation, because they are mutually dependent.

82. It is acknowledged that the proposal would provide a social and economic benefit. In addition to contributing to the house building industry, the additional residents would help support the vitality and viability of services and facilities locally and the provision of affordable homes (notwithstanding concerns raised as to whether or not these are truly affordable for Chiltern residents) would deliver social benefits. However were the employment land to be lost this would have a negative economic impact by not ensuring sufficient land is utilised to support growth and provide jobs locally, and undermines the predicted future need for B-class floorspace. Furthermore, the proposal would not meet environmental objectives as this would not deliver a well-designed place. Additionally the level of parking being proposed is considered to be insufficient for a development of this size. It considered that the level of harm resulting from the development would significantly and demonstrably outweigh the benefits resulting from the development. As such, the proposal would not contribute to the achievement of sustainable development and is contrary to the guidance in the NPPF.

Working with the applicant

83. In accordance with Section 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.

84. In this case, the proposal did not accord with the Development Plan and the agent was advised of this. The amendments proposed to the housing mix are not sufficient to outweigh the policy conflict and there aren't sufficient material considerations to outweigh the conflict with policy and matters of principle.

Human Rights

85. 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 demonstrate that the perceived highway problems associated with HGV's and the existing use of the site are of such gravity that this should outweigh the harm that would result if this employment site was to be lost. The proposal therefore fails to address the highway exception test that is required to comply with Policy CS16 of the Core Strategy for Chiltern District. Furthermore it is not considered there are sufficient material considerations to justify development that is contrary to this policy. As such, the proposal is contrary to policy CS16 of the Core Strategy for Chiltern District (Adopted November 2011) and the provisions of the National Planning Policy Framework (2019).

2. Insufficient provision has been made for car parking in accordance with adopted parking standards within the application site, which is indicative of the proposal representing an over-development of the site, and which will potentially give rise to unacceptable levels of dis-placed overspill parking on nearby residential streets, such that there would be an over reliance on the local road network to meet the significant parking shortfall on site, which would lead to conditions of danger and inconvenience to other highway users. As such, the development is contrary to policies TR11 and TR16 of the Chiltern District Local Plan (Adopted September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011, and policy CS26 of the Core Strategy for Chiltern District (Adopted November 2011).

3. Due to the amount and layout of proposed built form, including the large proportion of the site as hardstanding given over for car parking and circulation, thus limiting the amount of useable ground floor amenity space, and large parts of the communal areas being located on sloping ground or beneath tree canopies restricting their value, the proposed development would not be afforded adequate, good quality, useable communal amenity space. This would harm the amenities of future residents. As such, the application is contrary to policies GC1, 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, and Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

4. The proposed undercroft parking arrangement results in long sections of buildings at ground/street level that would be inactive, poorly designed and this design offers limited natural surveillance and overlooking to parts of the site. This results in an unacceptable building to ground/street relationship, with bland and inactive frontages, creating potential areas for crime and anti-social behaviour, to the detriment of the amenity and safety of future occupiers. This design does not comply with policies CS20 and CS30 of the Core Strategy for Chiltern District (Adopted November 2011), or the provisions of the National Planning Policy Framework (2019).

5. For developments of this scale, Core Strategy Policy CS8 seeks to secure at least 40% of dwellings be provided in the form of units of affordable accommodation on site, unless it is clearly demonstrated that this is not economically viable. The application proposes that 100% of units shall be affordable, however, in the absence of a Section 106 Agreement/Unilateral Undertaking mechanism to secure the provision of affordable housing in accordance with the advice of the National Planning Policy Guidance and the adopted Core

Strategy for Chiltern District, the proposed development would fail to contribute towards affordable housing, contrary to policy CS8 of the Core Strategy for Chiltern District (Adopted November 2011).

6. Policy CS31 of the Core Strategy sets out that infrastructure requirements arising as a consequence of development should be satisfactorily addressed as part of the planning application process and in this respect a financial contribution is required to provide for the additional education facilities that would be generated by the proposed development. This would need to be secured by way of a Section 106 Legal Agreement/Unilateral Undertaking. No such Legal Agreement has been completed and there are therefore no mechanisms to provide the necessary financial contribution. As such, the application is contrary to Policy CS31 of the Core Strategy for Chiltern District (Adopted November 2011).

7. It has not been demonstrated that the proposed development would appropriately deal with the identified risk of surface water flooding within the site. As such it has not been demonstrated that the proposal would not contribute to, or intensify, the risk of flooding on the site or surrounding areas and that it has had due regard to the sustainable development principles set out in Policy CS4 of the Core Strategy. Additionally, there is insufficient information with the application to demonstrate infiltration potential, what water quality treatment measures are to be employed and the maintenance strategy for the drainage strategy. As such, the proposal is contrary to Policy GC10 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, Policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011 and guidance contained within the Sustainable Construction and Renewable Energy Supplementary Planning Document, Adopted 25 February 2015, and the provisions of the National Planning Policy Framework (2019).

PL/18/4413/FA

Case Officer: Emma Showan
Date Received: 21.11.2018
Parish: Cholesbury

Decide by Date: 24.06.2019
Ward: Cholesbury, The Lee, Bellingdon

App Type: Full Application
Proposal: **Demolition of former public house and erection of three terraced dwellings and a cafe with associated hardstanding and landscaping**
Location: **The Rose and Crown Public House
Hawridge Common
Hawridge
Buckinghamshire
HP5 2ZD**
Applicant: **Mr Martin Stone**

SITE CONSTRAINTS

Article 4 Direction
Adjacent to C Road
Area of Special Control of Advertisements
Within Chilterns Area of Outstanding Natural Beauty (AONB)
Adjacent Public Footpaths and Public Rights Of Way
Biodiversity Opportunity Areas
Critical Drainage Area
Within Green Belt other than GB4 GB5
North South Line
Public footpath/bridleway
Site of Importance for Nature Conservation NC1
Thames Groundwater Protection Zone GC9
Public Amenity Open Space

CALL IN

Councillor Rose has requested that this application be determined by the Planning Committee irrespective of the Officer recommendation.

SITE LOCATION

The application site comprises the former Rose and Crown Public House which is a community facility, although the public house ceased trading a number of years ago and has since become vacant and derelict. It is located at the eastern end of Hawridge, a small hamlet which comprises a relatively dispersed and informal arrangement of dwellings along Cholesbury Lane. The houses are generally large, vary in terms of architecture and are set back from the highway in spacious and well-planted grounds. The mature landscaping is a defining feature of the rural character of the hamlet and it is this that more readily defines the local character as opposed to the built form itself.

The site is located within the open Green Belt and Chilterns Area of Outstanding Natural Beauty (AONB).

THE APPLICATION

This application proposes the demolition of the former public house and erection of three terraced dwellings and a café with associated hardstanding and landscaping.

The proposed terraced dwellings would have a combined maximum width of 16.8 metres, depth of 12.5 metres and height of 8.3 metres, with an eaves height of 4.5 metres. The dwellings would each be two storey and would accommodate three bedrooms.

The proposed café would be single storey. It would have a maximum width of 11.2 metres, depth of 8 metres and height of 4 metres. It would encompass a café/eating area, a cycle repair shop and an outside terrace.

The two buildings would be sited separately within the site, with approximately 20 metres separating the two flank elevations.

The majority of the existing hardstanding within the site would be removed and replaced with grass.

RELEVANT PLANNING HISTORY

CH/2015/2208/FA - Demolition of Rose and Crown Public House and redevelopment of site to provide four dwellings and associated hardstanding, access and landscaping. Refused permission and appeal dismissed for following reasons:

- Loss of community facility
- The proposal would have a significantly greater impact on the openness of the Green Belt than the existing building and hardstanding on site and would represent a form of encroachment
- The increase in the number of buildings and built mass on site would erode the open and rural character of this part of the countryside and the uniformity of the design and siting of the buildings would be at odds with the more sporadic and informal variety of development that characterizes the locality, contrary to the AONB

CH/1992/0564/FA - Single storey side/rear extension and alterations to car parking, refused permission.

CH/1988/0148/FA - Alterations, part single and part two storey extension to provide restaurant facilities and staff accommodation, conditional permission.

CH/1985/1853/FA - Single storey rear extension to provide restaurant with cellar extension below, conditional permission.

CH/1984/0449/FA - Formation of new car parking area with alteration to existing vehicular access, conditional permission.

CH/1983/1580/FA - Alterations and extensions to provide enlarged bar area and childrens room, conditional permission.

CH/1975/0912/OA - Staff accommodation, refused permission.

CH/1974/1458/FA - Conservatory, conditional permission.

PARISH COUNCIL

'Views have been expressed, both on the website (CDC) and at the meeting of the Planning Committee of the Parish Council (PC) held on 17 December, that the building is an eyesore and that the proposal would be a welcome visual improvement.

Notwithstanding this the PC has considerable misgivings upon a number of aspects of the application as follows;

- **Financial Viability**

The data contained within Fleurets Report is mainly a repeat of that which they provided within application No CH/2015/2208/FA dated 18 November 2015. It did not include the trading data provided by the last tenants and did include amounts which should not be included, namely return on the repair investment and owner's remuneration. Had the correct approach been taken then and now the business would be shown to be viable. It is relevant to note that both CDC in refusing consent and Planning Inspectorate in dismissing the appeal were equally concerned about this aspect. The PC requests that CDC once again engages an expert to consider this important matter.

- **New Housing in the Green Belt and the Area of Outstanding Natural Beauty**

CDC has rigorously pursued its policy of only permitting new housing in this parish in exceptional circumstances. The PC requests that CDC consider if such circumstances exist and if the proposed design is harmful to the landscape.

- **Velo Café**

The application does not contain any information about demand for such a facility and does not contain a financial business plan. The application implies that such a facility is deemed to be a community facility or asset. CDC is requested to investigate and clarify these issues. The PC is concerned that the design is not in keeping with the housing or the landscape.

- **Footpath**

A permissive footpath runs from the road through the site where it joins a public footpath. Whilst it would seem that the permissive section would be maintained, its route is unclear as is the nature of its separation from the rest of the development.

- **Conditions**

The PC requests that should consent be given the following conditions should be imposed;

1. That the houses should not be sold until the construction of the Velo Cafe is complete to the satisfaction of CDC.
2. That any permissive development rights of the houses and of the cafe be removed.
3. That no further housing or any other development be permitted on the site.'

REPRESENTATIONS

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

- There is demand for cafes such as this one to cater to local cyclists
- There is a need to promote economic activity and employment in rural areas
- There is a need for housing locally
- Support for local economy
- Design is sympathetic to location
- Current building is an eyesore
- There are other pubs in close proximity so difficult to see how Rose and Crown could be run successfully as a pub
- Opportunity to do something worthwhile and of value to local community
- Proposal would encourage local cycling and therefore shift away from polluting and fossil fuel powered transport
- Site currently an eyesore in AONB

- Proposed development enhances the AONB
- Proposal is an improvement on views within the site
- Brownfield site development
- Small more affordable housing is welcome
- Rising demand for leisure pursuits
- The café would boost footfall and revenues at The Full Moon
- Strong demand locally
- Proposal would attract people to the area
- Boost for local tourism
- Support for re-routing the footpath through the Common

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

- The Rose and Crown was a viable business when it closed down
- It doesn't seem fair that the property has been allowed to be unoccupied for 5 years resulting in a need for a greater capital investment to make it viable as a business
- Residential development on this side of the road is out of character with the surroundings
- Questions over viability over cycle café
- Design of cycle café is not sympathetic to its position
- Attracting more cyclists to the village is not in the interests of the village
- There is no indication that a cycle café would be more viable than a pub
- Concerns regarding the encouragement of more cycling on local lanes which are in poor condition
- The Council should resist application for local pubs to be developed into housing

One letter from the adjacent neighbours and landowners stating that whilst they have no major objections to the proposal, there is concern that the proposed development does not include all the land which is part of the Rose and Crown site as it is the responsibility of the owner of the Rose and Crown to maintain the retaining wall and fence between the site and The Laurels. In addition, it is not considered that there is sufficient parking on site for the café.

CONSULTATIONS

Buckinghamshire County Highways Officer: 'The Public House is situated on Cholesbury Lane which is a 'C' Class road subject to a speed restriction of 40mph. There are current two points of access serving the pub; visibility from the western access is approximately 2.4m x 72m to the right and 2.4m x 36m to the left. From the eastern access it is approximately 2.4m x 76m in each direction.

The proposals include the demolition of the existing Public House and erection of three 3-bed terraced dwellings and a café. The residential dwellings will be accessed from the existing eastern access and the café will be accessed from the amended western access. I have no objection to the proposal in principle, as the traffic movement from three residential dwellings and the café will be less than that generated by the existing use.

Whilst visibility is substandard from both of the existing accesses, I acknowledge that the use of the accesses by this proposal is less than the current situation, and therefore the visibility is acceptable. The Highway Authority would however have concerns over further development within the site that would have the potential to generate additional vehicular movements due to existing visibility from the existing accesses.

The proposed parking area for the residential dwellings would allow for vehicles to turn and manoeuvre within the site and leave in a forward gear. The proposed parking area for the café would also allow for vehicles to turn and manoeuvre within the site and leave in a forward gear.

Classification: OFFICIAL

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

Building Control Officer: 'No comments or objections.'

Strategic Access Officer: 'I am content that the new footpath as proposed allows the development to take place without obstructing a recorded public right of way and satisfactorily resolves an anomaly which has been outstanding for many years.'

POLICIES

National Planning Policy Framework, 2018.

Core Strategy for Chiltern District - Adopted November 2011. Policies: CS4, CS16, CS19, CS22, CS24 and CS29.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May) Consolidated September 2007 and November 2011. Policies: GC1, GC3, GC4, GC14, GB2, GB23, GB24, LSQ1, CA2, TR11 and TR16.

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

Sustainable Construction and Renewable Energy SPD - Adopted 25 February 2015

EVALUATION

Principle of development

1. The site is located outside of the Green Belt settlement of Hawridge where it is set within rural surroundings in the open Green Belt and Chilterns AONB. In terms of its location within the open Green Belt, in accordance with Policy GB2 of the Local Plan and the advice contained within the NPPF, most forms of development are inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Specifically, according to Paragraph 145 of the NPPF, a local planning authority should regard the construction of new buildings in the Green Belt as inappropriate. However, there are exceptions to this, including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. In addition, limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use could be acceptable, provided the new proposal would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
2. The site is also located within the Chilterns AONB where development should conserve and, where appropriate and practicable, enhance the special landscape character and high scenic quality of the AONB.
3. Finally the application site relates to the former Rose and Crown Public House. Development Plan Policy GB24 states that in the Green Belt, the Council will not allow the redevelopment or change of use of a building or and which is in use, or was last used for, local community purposes unless a replacement building or land can be provided in an equally convenient location or it can be demonstrated to the Council that the facility is no longer required for any other community use in the village and adjoining area where the facility is located.
4. All other relevant Development Plan policies should also be complied with.

Classification: OFFICIAL

Background to proposal

5. The application seeks to demolish the existing Rose and Crown Public House and replace it with three terraced dwellings and a café with associated hardstanding and landscaping. It follows the closure of The Rose and Crown Public House in November 2013 at which point the premises were vacated and the building has remained unused ever since. The building has, over time, fallen into considerable disrepair and a fire in April 2019 has rendered the building structural unstable. The Council's Building Control Department have subsequently served a demolition notice on the building.

6. In 2015, a planning application (ref: CH/2015/2208/FA) for the demolition of the Rose and Crown and its replacement with four dwellings and associated hardstanding, access and landscaping was refused by the Council and an appeal was subsequently dismissed. The reasons for refusal related to the fact that the proposal entailed the loss of a community facility; would have a significantly greater impact on the openness of the Green Belt than the existing building and hardstanding on site; and the increase in the number of buildings and built mass on site would erode the open and rural character of this part of the countryside and the uniformity of the design and siting of the buildings would be at odds with the more sporadic and informal variety of development that characterizes the locality, contrary to the AONB.

7. This latest application seeks to overcome the previous refusal by way of an amended proposal for the replacement of the public house with a cycle café and three terraced dwellings.

Loss of a community facility

8. The Council seeks to retain strict control over the loss of community facilities. Local Plan Policy GB24 states that the Council will not allow the redevelopment of land that was last used for community purposes unless it can be demonstrated that the facility is no longer required for any other community use in the area. In addition, Policy CS29 states that the Council will only permit the loss of community facilities in exceptional circumstances. The Inspector stated in his assessment of the 2015 planning application that he was not persuaded that a compelling case had been made that the appeal site could not be resurrected as a successful community use.

9. In contrast, this latest application, while still proposing the demolition of the public house, is proposing to erect a cycle café alongside a terrace of three residential dwellings. The proposed cycle café would ensure that a community facility is maintained on site, albeit in a smaller building than the existing public house. It is important to note that this, in principle, complies with Policy GB24, as a community facility would be retained on the site. There is no requirement for a marketing exercise or viability analysis to show that the public house is no longer viable, for the simple reason that there is no conflict with the policy, due to a replacement community facility being proposed.

10. Nonetheless, while not strictly required, the applicant has included a viability and marketing assessment to support the claim that there has been no other interest by third parties in taking on the public house as a going (or new) concern. The Appeal Inspector assessed the previous marketing and viability report (which was required for the previous application, due to no replacement community facility being proposed). He previously accepted that prior to the closure of the public house, it was operating at a loss and the latest marketing assessment also shows that there has not been any interest in taking on the public house. It states that: 'reflecting the required level of investment needed to complete all repairs and refurbishment and allowing for an appropriate return on such investment, the business would not generate any profitability. This position has been demonstrated by the historic occupation of the property and the trading information provided by the most recent occupiers resulting in their bankruptcy.' It is also stated that: 'The marketing of the property by Drake & Co was unable to obtain interest in the property from occupiers seeking to continue to trade the Rose & Crown as a public house. The offers received for the freehold interest were solely from

parties seeking to use the property for alternative use. This position is further confirmed by the marketing by Fleurets.'

11. Alongside this, 25 letters of support from residents and local cyclists have been received stating that the café would be a welcome venue for local socialising, it would boost the local economy and it would be an alternative venue from the other pubs in the locality.

12. Therefore, it is considered that the replacement community facility is acceptable and complies with Policy GB24.

Impact on Green Belt

13. The NPPF allows for limited infilling or the partial or complete redevelopment of previously developed provided the new proposal would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm to the openness of the Green Belt. In this case, the proposal seeks to demolish the existing public house which has a floor area of 382 square metres and replace it with a cycle café building with a floor area of 90 square metres and a row of three terraced dwellings with a floor area of 300 metres. At the same time, there would be a reduction in the hardstanding on site, as the majority of the car parking area serving the Rose and Crown would be replaced with grass. It is therefore apparent that the proposal would have a comparable impact on the Green Belt in terms of the square footage of the buildings on site.

14. However, the proposal seeks to erect two separate buildings in the place of the existing buildings and this would mean that there would be some visual encroachment in the Green Belt. However, the proposed dwellings would be sited to the east boundary of the site where they would set back from the highway and adjacent to a boundary of mature vegetation which would help to reduce their prominence and encroachment in the local surroundings. In addition, although sited away from the dwellings, the proposed cycle café would be extremely modest in terms of its impact on the landscape, in that it would have a footprint of 90 square metres and it would have a single storey height of 4 metres. It too would be set back from the highway. Consequently, despite the siting of the two buildings away from each other, it is accepted that the combined effect of the buildings would result in a comparable amount of built form on site and the siting of the dwellings would also be in keeping with the wider pattern of development which the previous Inspector described as: 'The houses are generally large, vary in terms of architecture and are set back from the highway in spacious and well-planted grounds. The mature landscaping is a defining feature of the rural character of the hamlet and it is this that more readily defines the local character as opposed to the built form itself.' It is therefore considered that the proposal would be acceptable in terms of its impact on the openness of the Green Belt.

Design/character & appearance and impact on AONB

15. In terms of this proposal, it is proposed to erect two buildings and each of these will be dealt with in turn.

16. Regarding the cycle café, this would take the form of a single storey building with a flat roof and simple frontage. It would have an associated terrace/outside seating area to the rear/side in addition to a rack for bicycle storage. It would not be a dominant building and its simple design and siting away from the highway would mean that it does not appear prominent in the locality and it would maintain a recessive quality in keeping with the rural surroundings. No objections are raised in regards to its design, but a condition requiring the submission of details relating to the proposed facing materials would be necessary in the even that planning permission is granted in order to ensure that the café is sympathetic to the local, rural vernacular.

17. In terms of the dwellings, these would be erected to take the form of three terraced dwellings. The building would be two storey with a gable roof and would be bookended by two chimneys at each side elevation. It would have a 'cottage-like' appearance, encompassing pitched roof porches with the overall effect being sympathetic to the rural appearance of the area and character of the settlement. Its siting back from the highway would be in keeping with other properties in the locality and would allow for hedging and planting that would help to establish the development in its plot and visually break up the buildings from public areas. It was previously considered that the 2015 development for four semi-detached dwellings would be out of character given that they would be aligned and would mirror one another in terms of appearance. This would have resulted in a proposal that was more suburban in character and at odds with the informal, recessive layout and individual design of dwellings in the wider area. In comparison, it is considered that the proposed residential units within this accommodation have overcome these concerns in that the building would now appear as a single row of modest terraces that would be sited away from the public highway which would help it to appear recessive and more natural in its surroundings. Again, should planning permission be granted, it is considered necessary that a condition requiring that details relating to the facing materials and any hardstanding within the site are submitted for approval by the Council in order to ensure that appropriate materials are chosen and that the development integrates attractively with the local surroundings.

18. The application also proposes a car parking area to serve the cycle café and this would replace the existing car park serving the Rose and Crown public house. The proposed car parking area would comprise 'Grasscrete' blocks, which are appropriate for the rural setting, and there would be an overall reduction amount of tarmac and hardstanding on site.

Residential amenity

19. It is considered that the proposal would be a sufficient distance from neighbouring properties so as not to cause any adverse impact on neighbouring amenities.

20. With regard to private amenity space for the three dwellings, Development Plan Policy H12 states that the general standard expected will be a minimum rear garden depth of about 15 metres, but it makes a specific exception where a site boundary abuts a public bridleway or footpath, an open field, open countryside, a recreation ground or a playing field, and states a reduced garden depth may be acceptable. In this instance, the proposed garden depths would be approximately 12.5 metres in depth and would be sited adjacent to plenty of countryside and public footpaths. As such the proposal is considered to comply with Policy H12.

21. The site benefits from existing waste collection routes and there is adequate space within the site to accommodate refuse and recycling storage.

Parking/highways implications

22. In terms of parking, it is proposed to provide seven parking spaces to accommodate the three residential units. Although this is a deficiency of two spaces based on the recommendations set out in Development Plan Policy TR16 for dwellings exceeding 120 square metres, given that an area of car parking is proposed to serve the adjacent cycle café, the provision is considered to be acceptable.

23. For the café element of the proposal, Policy TR16 recommends the provision of one car space per four square metres of public floorspace. As a result, the development would require the provision of 23 parking spaces. The site plan shows that only nine parking spaces would be provided which is a deficiency of 14 spaces based on the recommendations of Policy TR16. However, given that the café is well connected by public footpaths and local cycle routes it is anticipated that business would largely be drawn from walkers and cyclists as opposed to those using vehicles. The parking provision is therefore considered to be acceptable. In

addition, it is noted that there is additional space within the site to accommodate more parking should it be required.

24. In terms of the access arrangements, the cycle café and residential units would be served from two different, albeit existing, accesses. The County Highways Officer has assessed the impact of the proposal on the local highway network and the suitability of the accesses and concluded that although visibility is substandard, the use of the accesses by this proposal is less intensive than the current situation and therefore the proposal would be an improvement on the existing situation. No objections are raised by the Highways Officer in regards to this proposal.

Affordable housing

25. For proposals under 5 dwellings, Policy CS8 of the Core Strategy requires a financial contribution towards off-site affordable housing to be made. However, there are no 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 5 units or less in the AONB, which have a gross floorspace of less than 1,000 square metres. This carries greater weight than Policy CS8 and hence no affordable housing contribution is required.

Working with the applicant

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

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

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

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

Human Rights

26. 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 works above ground level commence, details of the external facing and roofing materials to be used for the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall be constructed using the approved materials.

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

3 Before any construction works commence, details of the materials and location of the hardstanding within the site shall be submitted to and approved in writing by the Local Planning Authority. The hardstanding shall only be erected in accordance with the approved details and no alterations shall take place thereafter, unless otherwise first agreed in writing by the Local Planning Authority.

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

4 Prior to any gates and fencing being erected around and within the site, full elevational details of the fencing and gates, and details of their materials and finish, shall be submitted to and approved in writing by the Local Planning Authority. The fencing and gates shall only be erected in accordance with the approved details and no alterations shall take place thereafter to their materials or appearance.

Reason: The Local Planning Authority would expect these elements to be timber rural style fencing and gates, in order to maintain the rural character of the locality and to ensure that adequate amenity is maintained for the occupiers of the approved residential units.

5 Prior to the commencement of the development the modified access shall be designed/constructed in accordance with the approved plans or details to be submitted to and approved by the Local Planning Authority. The accesses shall be constructed in accordance with Buckinghamshire County Council's Guidance note, "Private/Commercial/Industrial Vehicular Access Within Highway Limits" 2013.

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

6 Prior to occupation of the development space shall be laid out within the site for parking, loading and manoeuvring, in accordance with the approved plans and/or details to be submitted to and approved in writing by the Local Planning Authority. This area shall be permanently maintained for this purpose.

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

7 No development 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, and those to be felled being clearly specified.

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

8 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.

9 The proposed cycle cafe/shop shall not be open for customers except between the hours of 0900 and 2330 hours on Mondays to Saturdays and 0900 to 2300 hours on Sundays and Public Holidays.

Reason: To safeguard the amenities of nearby residential properties.

10 No external lighting shall be fixed to the buildings or installed within or around the site unless first agreed in writing by the Local Planning Authority.

Reason: In order to maintain the rural character of the locality and to prevent harm to ecology.

11 Prior to the occupation of the development hereby approved, details of the refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling bins should be provided in accordance with the approved plans.

Reason: To ensure that adequate bin stores are provided, 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.

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

Reason: In order to maintain the openness of the open Green Belt.

13 The cafe and its associated facilities shall be erected and opened to the public prior to the occupation of the three dwellings hereby approved.

Reason: To ensure that the community aspect of this scheme is implemented in conjunction with the residential development on site.

14 AP01 Approved Plans

INFORMATIVES

1 This permission shall not be deemed to confer any right to obstruct the public footpath crossing the site which shall remain open and available unless legally stopped up or diverted under Section 257 of the Town and Country Planning Act 1990, or temporarily closed by Traffic Regulation Order under Section 14 Road Traffic Regulation Act 1984.

2 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.

Transportation for Buckinghamshire
London road East
Little Chalfont
Amersham
Buckinghamshire
HP7 7DT

3 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.

4 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/19/0899/FA

Case Officer: Adam Pegley
Date Received: 15.03.2019 Decide by Date: 24.05.2019
Parish: Chalfont St Giles Ward: Chalfont St Giles
App Type: Full Application
Proposal: Change of use to a mixed use comprising a single residential dwelling (Use class C3) and use of the pool for commercial swimming lessons (sui generis). (Retrospective)
Location: Mardan Ville
Mill Lane
Chalfont St Giles
Buckinghamshire
HP8 4NR
Applicant: Laura, Lars & Kirsten Sevenus

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Within Chilterns Area of Outstanding Natural Beauty (AONB)
Mineral Consultation Area
North South Line
BCC MWLDF and Buckinghamshire Minerals and Waste Local Plan (BMWLP)
Tree Preservation Order
Townscape Character
Thames Groundwater Protection Zone GC9
Established Residential Area of Special Character

CALL IN

Councillor Bray has requested this application be heard at the planning committee due to resident objections and objections by the Parish Council Planning Committee.

SITE LOCATION

Mardanville is a large residential property set in a large plot off Mill Lane, a road with a 30mph speed limit within the built up area of Chalfont St. Giles. The area is within the Chilterns Area of Outstanding Natural Beauty.

THE APPLICATION

The application is for the change of use of the dwelling known as Mardanville to a mixed use comprising a single residential dwelling and the use of the swimming pool for commercial swimming lessons (sui generis).

RELEVANT PLANNING HISTORY

CH/1977/1203/FA - New house, covered swimming pool and triple garage. Conditional Permission.

CH/1978/0603/FA - House, covered swimming pool and double garage. Conditional Permission.

PARISH COUNCIL

Object. Previous planning permissions had a condition on them stating the swimming pool, sauna, pool lounge and bar shall only be used incidental to the occupation of the development and shall not be used for business or commercial activity. This permission contradicts that condition.

REPRESENTATIONS

The applicant has submitted a planning statement with this application.

4 letters of objection and 50 letters of support received stating the following (summarised):

In objection:

- The dwelling is located within a residential character area therefore not suitable for commercial swimming lessons.
- Proposal is contrary to restrictive conditions on previous planning permissions preventing the pool being used for business use.
- Concern over further expansion of the business and diversity of uses.
- Excessive Customer noise and impact on neighbours.
- No guarantee of number of children or hours of operation.
- Request for personal permission only, tailored to the applicant.
- Increase in traffic, Mill Lane is often a busy cut through and too narrow and the development contributes to this.
- Noise from the vehicles and people at session changeover times impacts on neighbouring amenity, including vehicles manoeuvring.
- Question whether this is a rural area (as highlighted in the applicant's planning statement) given its "residential character area status".
- Concern over parking spaces if the business expands, whether it will be sufficient.
- There are commercial facilities available nearby, question the need for this facility in this location.
- Website states garden is available for guests which may have noise implications, particularly given children primary users.

In support:

- Being immediately adjacent to the pool, located at the rear of the premises, there is no noise and no disruption.
- The owners have taken steps to ensure no disruption.
- An invaluable service is being offered to the local community.
- The facility can be walked to, is a local business and provides a valuable service.
- The lessons allow children to learn in a safe and suitable environment.
- The pool serves a crucial need for children with special educational needs that require 1:1 sessions to develop their swimming; no other schools in the vicinity able to support this.
- It has filled a need for those children who do not manage well in formal swim schools and public pools whereby transition and noise can be overwhelming.
- Class sizes are very small.
- Loss of jobs and local employment if permission refused.
- Extremely high standards in cleanliness and well-maintained facility.
- Maximum three children in any one 30 minute lesson is not excessive.
- High calibre instructors.
- Private and high quality support offers a tailored and unique environment.
- Lessons can fit around the working day.
- Local need for this particular type of facility is not being met in any other way.
- The condition on the swimming pool is now out-dated.

- Whilst there are other pools in the area, this is unique in that the pool is a higher temperature and small class sizes.
- Parking is available off-road and there is no noticeable increase in traffic as a result of the application.
- Limited additional vehicles within the drive during class hours.
- The swim school brings local people into Chalfont St Giles from adjoining villages, the swimming school is a major asset to the village.

CONSULTATIONS

Environmental Health:

No objections, subject to the following conditions and mitigation measures:

1. All external doors to the pool will be closed at all times the pool is in use. External doors to the plant room will be closed at all times, except for access / egress to the plant room.
2. No change to the mechanical plant serving the use until a noise assessment has been carried out on any future proposed replacement plant.
3. Restrict the activity at noise-sensitive times; recommending a condition of hours of operation 9am - 6pm Mon-Fri, and suitable restriction at other times.

Customer vehicle movements are considered currently intrusive at nearby residential property, principally due to the existing gravel surfacing. Concerns remain over this matter, and this may cause objection with regard to neighbouring amenity. However the applicant has shown willingness to provide amended plans with an alternative hardstanding arrangement. Therefore, subject to receipt and approval of these plans, no objection raised.

Buckinghamshire County Council Highways:

No objections, subject to condition (scheme for parking and manoeuvring on the plans must be in place cannot be used for any other purpose).

POLICIES

National Planning Policy Framework.

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GC7, LSQ1, E5, TR2, TR11, TR15, TR16 and R3.

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

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

EVALUATION

Principle of development

1. The site is located within Mill Lane, the built up area of Chalfont St. Giles and the Area of Outstanding Natural Beauty, wherein change of use of part of a dwelling to a business use is acceptable in principle, provided that (Policy E5):
 - i) The occupiers of the proposed business floorspace are residents of the dwelling; and
 - ii) The business use would occupy less floorspace than the residential use and a viable residential unit would remain;and

- iii) The business would not adversely affect the amenities of adjacent residents, or the character of the residential area generally, including disturbance from increase in traffic movements;
- and
- iv) other policies in this local plan would be complied with.

In relation to point (iv), above, this includes the Council's general criteria policies on design, neighbouring amenity and noise-generating development (GC1, GC3 and GC7) should be complied with, as well as the development preserving the scenic quality of the Area of Outstanding Natural Beauty. Further, transport and traffic policies should be complied with.

Design/character & appearance

2. The development seeks permission for the partial change of use of an existing residential property to a mixed use facilitating the provision of commercial swimming lessons at the pool. In relation to its design and physical appearance within the locality, the application does not include any new buildings or works in order to facilitate this change of use; it utilises an existing swimming pool and driveway space within the application site. There is additional signposting associated with the change of use within the site, including notices on windows and doors etc., but this is well-contained within the site and is not considered to adversely affect the character of the area.

3. Externally, the front car park is utilised in association with the change of use, however it was existing driveway previously and is set within the grounds such that this is not considered to adversely affect the character and appearance of the locality. Given overall the external design of the site is very similar to how it has been when solely in use as a residential dwelling, no objections raised in this regard.

Residential amenity

4. The proposed change of use clearly changes the character of the application site by introducing commercial classes and associated customers and staff on the premises. The level of use outlined is currently at an approximate level of 30 children per full day of operation with scope for this level to increase. There is also the equivalent to 3 full-time employees working at the site. As such, two of the key elements which must be assessed in relation to neighbouring amenity are the activities themselves (i.e. do the swimming lessons in the pool and other ancillary activities such as using the garden cause an adverse impact on neighbouring amenity) and the impact of the customers and associated vehicles entering and exiting the site.

5. In this regard, Environmental Health Officers have visited the property and provided comments in order to consider these impacts further. Environmental Health has recommended a number of conditions aiming to alleviate concern over the development and its impact on surrounding properties. Conditions requiring the pool doors to be shut and no change to the mechanical plant aim to prevent unacceptable noise from the pool area, whilst an hour of operation restriction is deemed appropriate within its residential setting. These conditions and the lack of an objection in this respect are considered to sufficiently mitigate the pool noise within the building.

6. However, of greater concern is the frequency and consistent number of vehicles travelling to and from the site, as well as noise associated with travelling to and from the pool. Concern is raised over the potential high level of vehicular movements (which at max levels could exceed 100 per day). Vehicles travelling over the existing gravel surfacing continuously throughout the hours of operation are considered to result in intrusive noise to neighbouring properties. In this regard, the applicant has shown willing to alter the surfacing of the car park and entrance drive to mitigate this impact, and indeed this would be required to prevent an Environmental Health objection.

7. This does not however alleviate the concern of associated noise from travelling to and from the pool, including incidental noise from customers as they travel to the pool from the entrance or car park. At current capacity levels, the use can result in 22 vehicular movements an hour with up to 24 persons (12 children and up to 12 parents) continuously moving to and from the pool site throughout the day. The nearest neighbouring property is less than 25m away. Whilst letters of support have highlighted the considerate nature of the business owners, ancillary noise from this use could not be controlled by way of planning condition. At these numbers and levels, it is therefore considered there would be an unacceptable impact on neighbouring amenity, as this would occur regularly throughout the week. As such, the development runs contrary to Local Plan Policies GC3 and E5 and this weighs substantially against granting the development.

8. It is not considered that the above impacts could be controlled by way of condition. This is because there would be no ability to monitor or control the level of noise associated with persons travelling from the car park to the pool and back; it would not be enforceable.

Parking/Highway implications

9. No objection has been raised by Buckinghamshire County Council Highways, in particular because the site does benefit from ample parking spaces for the proposed use. It is not considered an objection could be raised in terms of parking. Contribution letters from neighbouring properties refer to a survey undertaken wherein it has been calculated approximately a 10% increase in traffic on this part of Mill Lane. However, the survey itself has not been submitted. The applicant's planning statement refers to a current average of 30 children a day visiting the site, with scope to expand to a potential maximum of 60 children a day and associated trip generation. However, the access is considered appropriate and no objection has been raised on the intensification to the use. As such, an objection is not raised on highway grounds, but remains on the impact on neighbouring amenity associated with this intensification of use.

Community Benefit

10. Of particular note in this application is the 50 letters of support received by people throughout the area which outline the local and personal benefit the business has brought to those residents. Whilst their comments are detailed above, a significant proportion highlighted the business as providing a unique service in the community in particular for children with particular needs or requirements which do not suit the more public and busier environments of nearby leisure centres. This appears to demonstrate a need in the community for this particular type of service which does differentiate from normal leisure centre swimming pools in this respect. This local support and service provision weighs in favour of the proposal.

11. In addition, reference is also made by local people to the sustainability of the business, with a significant amount of customers walking to the site who would necessitate driving elsewhere. Local benefits of bringing people to Chalfont St Giles as opposed to using services in other areas were also raised. Furthermore, the business does provide 3 full time equivalent local jobs for the community. The following points also weigh in favour of the proposal.

Other matters

12. Whilst this is a business within a residential area, it is set in large grounds and benefits from a very large amount of floor space. As such, provisions i) and ii) from Local Plan Policy E5 would be met.

13. The development does not involve any significant design changes and as such the scenic quality of the AONB is considered to be preserved in line with the provisions of Local Plan Policy LSQ1. The development remains within the site which is surrounded by other residential development and as such does not extend into open countryside.

Conclusions

14. Policy E5 as outlined in paragraph 1 sets out the criteria for appropriate business uses within an existing residential dwelling. Whilst considerable benefits of the business are recognised in the form of a unique facility serving the local community, as well as local employment, the levels of traffic, footfall and potential noise throughout the day are considered to cause an adverse impact on neighbouring amenity. Overall, it is considered this amenity impact outweighs the benefits of the proposal. As such, the officer's recommendation is for refusal.

Working with the applicant

15. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant/Agent and was focused on seeking solutions to the issues arising from the development proposal. In this case, the Applicant/Agent was informed/advised that the proposal did not accord with the Development Plan, that no material considerations are apparent to outweigh these matters of principle and was provided with an opportunity to comment before refusal was recommended.

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

RECOMMENDATION: Refuse permission

For the following reasons:-

1 The development would result in a substantial increase in traffic and foot-fall of customers in close proximity to neighbouring properties throughout the day which would result in unacceptable noise and impact on the amenity of those properties, contrary to Policies GC3 and E5 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

PL/19/1489/FA

Case Officer: Olawale Duyile
Date Received: 30.04.2019
Parish: Chartridge

Decide by Date: 25.06.2019
Ward: Cholesbury, The Lee, Bellingdon

App Type: Full Application
Proposal: Erection of new dwelling including new vehicular access
Location: Hawridge View
Ramscote Lane
Bellingdon
Chesham
Buckinghamshire
HP5 2XP

Applicant: Mr Antony Perry

SITE CONSTRAINTS

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

CALL IN

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

SITE LOCATION

The site lies on the southern side of Ramscote Lane, within a defined Row of Dwellings in the Green Belt, in Bellingdon. It comprises the side garden within the curtilage of Hawridge View. Hawridge View itself is occupied by a detached bungalow with a detached double garage. The application site is rectangular in shape as are the neighbouring plots, which vary in size and also occupied by chalet style bungalows. Bellingdon lies within The Chilterns Area of Outstanding Natural Beauty (AONB).

THE APPLICATION

Consent is sought to sub-divide the plot into two, with the residual (slightly smaller) plot proposed to be developed, providing a bungalow with accommodation (2 bedrooms and a bathroom) in the roof area - which would be illuminated by 2 front dormer windows, 2 front rooflights and 3 dormer windows on the rear roof plane. The proposed dwelling would be served by a new vehicular access from Ramscote Lane, leading to parking spaces within the front curtilage of the plot.

RELEVANT PLANNING HISTORY

CH/1994/0394/FA - Conditional Permission for: Demolition of existing garage, removal of portable lambing shed and erection of detached domestic double garage.

PARISH COUNCIL

Chartridge Parish Council is neutral on this application as infilling is allowed in some circumstances in AONB. The Parish Council wishes to draw attention to the following concerns raised by residents:

- Exiting from this plot onto Ramscote Lane and onward to accessing onto the Chesham Road there is poor visibility.
- The application could result in extra traffic onto a lane with a poor surface and drainage.
- Potential for overlooking although this could be lessened by retaining mature hedges and planting a new one on north east boundary.

REPRESENTATIONS

Eleven representations received. The grounds of objection are summarised below:

- Contrary to the Development Plan - Infilling is not applicable in Bellingdon
- Detrimental to Conservation Area
- Dust and fumes
- Inadequate access
- Intrusion into the Countryside
- Loss of privacy
- Loss/Damage to trees
- Noise/Disturbance
- Overshadowing/bearing
- Inadequate access, traffic conflicts, parking

CONSULTATIONS

Bucks CC Highways - In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions commensurate with a speed limit of 30mph. Having reviewed the submitted plans, I am satisfied visibility splays of 2.4m x 18m to the centre of the highway can be achieved. Given the nature of Ramscote Lane, with it being a single-track cul-de-sac with passing places, I consider that vehicles approaching the development from either direction would be travelling at speeds closer to 15mph. In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 18m are required in both directions commensurate with a speed limit of 15mph.

In regards to sustainability, the village of Bellingdon is serviced by a bus stop providing links to Chesham on Tuesday and Thursday. Although a lack of sustainable transport options would result in dependence on private use vehicles the NPPF states that allowances should be made for rural locations in regards to sustainable transport options. Given that the application proposes only a single new dwelling I do not believe sustainability alone would stand up in an appeal situation.

Mindful of the above, I do not have any objections to this proposal subject to the imposition of conditions and highways informatives.

Waste Management - Waste services note the proposal for a new dwelling at Hawridge View, Ramscote Lane, Bellingdon. Residents to store their refuse & recycling containers within the dwelling and present at their property boundary in accordance with council policy

Tree Officer - Ramscote Lane is an old single-track road that becomes a byway open to all traffic (BOAT) and extends all the way to Chesham Vale. At the Bellingdon end there are ancient hedgerows along parts of both sides of the lane giving it a distinctive character. The boundary of the application site with Ramscote Lane is one of these old parts with a dense mixed hedge about 3m in height consisting mainly of hazel, hawthorn,

and holly but with some more recent planting of conifer. On the inner side some other species, including elder and sycamore, have become established.

The application proposes a new access through this hedge and the highway authority has recommended a relatively modest visibility splay of 2.4m by 18m to the centre line of the lane but this would still involve considerable additional hedge loss. Within the site there has been some recent tree felling including two small fruit trees and a cypress shown for removal on the Site Plan. In addition an apple tree about 10m in height would need to be removed for the proposed dwelling. The Site Plan shows the further loss of a group of trees towards the rear boundary that includes holly and cherry up to about 12m in height.

Overall no significant trees would be lost so I would not object to the application but I would regret the loss of part of the old hedgerow.

POLICIES

National Planning Policy Framework.

National Planning Practice Guidance.

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC2, GC3, GB1, GB2,, GB4, LSQ1, H12, H21, TR2, TR3, TR11 and TR16.

The Chilterns Buildings Design Guide.

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

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

EVALUATION

Principle of development

1. The prevailing Development Plan and the relevant policies are identified above. However, the NPPF is also material to the consideration of this application. The NPPF was published on the 27th March 2012 and updated in 2018 and 2019. Whilst this replaced the previous Planning Policy Statements and Guidance Notes, it does not replace the Development Plan. It does state however, that the weight that should be given to these existing local policies and plans will be dependent on their degree of consistency with the NPPF. Therefore, the closer the policies in the development plan to the policies in the Framework, the greater the weight that may be given to them.

2. With regard to this specific application, it is considered that all of the relevant policies highlighted above, are in accordance with the NPPF. Paragraph 145 of the NPPF and Development Plan Policy GB2 set out categories of development which are not considered to be inappropriate in the Green Belt. There is provision in the NPPF for limited infilling and this is echoed by Development Plan Policy GB4 which supports the construction of one or two dwelling(s) in a small gap in an existing row of dwellings and other substantial buildings, which form an otherwise fully developed frontage to a road, and:

- i) the width of the development site is closely similar to the widths of existing adjoining sites as measured along the row of dwellings and other substantial buildings; and
- (ii) the curtilage for each dwelling is of a size and shape comparable to existing adjoining development; and
- (iii) the siting, scale and appearance of each dwelling is compatible with the character of existing dwellings in the vicinity of the development site.

3. It is considered that both the resultant reduced plot for Hawridge View itself and the residual plot which is the subject of this application site fulfil Policy GB4 requirements. The site lies within a designated row of properties which form an otherwise fully developed frontage to a road. The sub-division of the plot to provide

an additional dwelling therefore represents an acceptable infilling and cannot therefore be considered as an inappropriate development which would harm the openness of the Green Belt.

Design/character & appearance

4. The surrounding area comprises rectangular plots of varying sizes occupied by dwellings also of varying design and style. The residual plot which is the subject of this application, is similar in configuration and size to Kenrick which adjoins Hawridge View to the south and Woodlea diagonally opposite the site. In terms of the building footprints and site coverage, there are also similarities in the relationship / proportion of site coverage between the proposed development and the neighbouring properties. In the circumstances, it is considered that the proposed dwelling would be comfortably accommodated on the plot with space being maintained to the front, rear and side boundaries and between the existing dwelling such that it would not appear cramped.

5. The building has also been designed specifically for the site, having regard to the site constraints and opportunities. Its scale and bulk are also satisfactory and the imposition of a materials condition would ensure that high quality, traditional materials which reflect the appearance of the dwellings in the locality are used.

6. Overall, the development would not appear unduly prominent within the street scene and would have no adverse impact on the character and appearance of the area.

Residential amenity

7. The proposed dwelling would be sited at approximately 12m from the side elevation of Hawridge View and at least 15m from that of Jatoma, which borders the site to the north. The scale, siting and orientation of the proposed dwelling relative to the surrounding dwellings would not give rise to overlooking / loss of privacy or overshadowing. Therefore, the proposed development would not have an adverse impact on the living conditions and amenities of the neighbouring occupiers.

8. Policy H12 of the Adopted Local Plan concerns private residential garden areas throughout the District and states that, each new house should have a private garden area adequate for and appropriate to the size, design and amount of living accommodation proposed. It states that the general standard expected will be a minimum rear garden area of 15 metres. The proposed dwelling like the neighbouring plots does not have a conventional rear garden. However, the spaces to the front, side and rear of the proposed dwelling, cumulatively is more than sufficient and appropriate to the size and amount of the living accommodation.

Parking/Highway implications

9. The Council's parking standard for the development is two spaces. It is considered this number of spaces should be provided, given that the site is not in a highly sustainable location. The submitted plan indicates two car parking spaces at the front of the building, with plentiful space to turn and exit in forward gear, as confirmed by the Highway Authority. This is satisfactory and complies with Policies TR11 and TR16.

10. The Highway Authority has also confirmed that the access arrangement conforms to the relevant standards. However, a number of residents have expressed some concerns about the inadequacy of the road for construction and HG vehicles. Whilst any damage to the road, outside of the application site, is not a planning matter for this application, it is recommended that a condition seeking the submission and approval of a detailed Construction Management Plan / Method Statement be imposed to minimise disruptions and the impact on neighbours.

Affordable housing

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

Working with the applicant

12. In accordance with 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 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 Prior to any construction work above ground taking place, details and/or a schedule of materials to be used in the elevations of the approved dwelling shall be submitted to and approved by the District Planning Authority in writing. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To safeguard and enhance the visual amenities of the locality.

3 Prior to the laying of any hardstanding in the site, named types and/or a specification of all finishing materials to be used in any hard surfacing of the application site shall be submitted to and approved by the District Planning Authority in writing. Thereafter the development shall be constructed using the approved materials.

Reason: To ensure that such works do not detract from the development itself or from the appearance of the locality in general

4 Notwithstanding the provisions of Article 3 and Classes A, B & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting

that Order with or without modification) , no enlargement, improvement or other alteration (including the erection of a garage, stable, loosebox or coach-house within the curtilage) of or to the dwellinghouse the subject of this permission, shall be carried out nor shall any building or enclosure required for a purpose incidental to the enjoyment of any said dwellinghouse as such be constructed or placed on any part of the land covered by this permission.

Reason: To safeguard the amenities of neighbouring occupiers, the openness of the Green Belt and the visual amenity of the area.

5 Prior to the occupation of the development the new access to Ramscote Lane shall be designed in accordance with the approved plans. The access shall be constructed in accordance with Buckinghamshire County Council's Guidance note, "Private Vehicular Access Within Highway Limits" 2013.

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

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

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

7 Prior to the occupation of the development minimum vehicular visibility splays of 18 metres from 2.4 metres back from the edge of the carriageway from both sides of the proposed access onto Ramscote Lane shall be provided in accordance with the approved plans and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

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

8 No part of the development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Plan shall include details of:

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

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

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

9 AP01 Approved Plans

INFORMATIVES

1 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 Transport for Buckinghamshire at the following address for information.

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

01296 382416

2 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.

3 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.

The End