

Cholesbury

PL/19/0592/FA

Ward: Cholesbury, The Lee,
Bellingdon

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Proposal: Erection of two-storey side extension following demolition of existing extension

Recommendation: Conditional Permission

Cherry Orchards, Cholesbury Road, Cholesbury, Buckinghamshire, HP23 6ND

Chalfont St Giles

PL/19/1724/FA

Ward: Chalfont St Giles

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Proposal: Demolition of 7 existing barns with B8, B1, sui generis, and non agricultural use, and erection of 6 residential units incorporating open fronted parking barns and attached garages, along with new vehicular access.

Recommendation: Conditional Permission

Tier Cottage, Dibden Hill, Chalfont St Giles, Buckinghamshire, HP8 4RD

Chalfont St Peter

PL/19/2029/TP

Ward: Gold Hill

Page No: 20

Proposal: T1 Cypress - fell (CDC TPO/1987/023)

Recommendation: Conditional Permission

3 Fairhaven, Chalfont St Peter, Buckinghamshire, SL9 9JE

Chesham

PL/19/2428/FA

Ward: Ridgeway

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Proposal: Erection of a new dwelling

Recommendation: Refuse permission

20 Hivings Park, Chesham, Buckinghamshire, HP5 2LF

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 12th September 2019

PL/19/0592/FA

Case Officer: Lucy Wenzel
Date Received: 25.02.2019
Parish: Cholesbury

Decide by Date: 12.08.2019
Ward: Cholesbury, The Lee,
Bellingdon

App Type: Full Application
Proposal: Erection of two-storey side extension following demolition of existing extension
Location: Cherry Orchards
Cholesbury Road
Cholesbury
Buckinghamshire
HP23 6ND

Applicant: Mr & Mrs Abbi Langan

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Area of Special Control of Advertisements
Within Chilterns Area of Outstanding Natural Beauty (AONB)
Archaeological site
Adjacent Public Footpaths and Public Rights of Way
Biological Site
Adjacent Biological Notification Site NC1
Within Green Belt other than GB4 GB5
North South Line
SBDC Archaeological Notification Areas
Within 500m of Site of Importance for Nature Conservation NC1
On/within 250m rubbish tip
Adjoining Public Amenity Open Space
Public Amenity Open Space

CALL IN

Councillor Rose has requested the application be referred to the Planning Committee, regardless of the officers' recommendation.

SITE LOCATION

The site accommodates a dwelling on the western side of Cholesbury Lane. The dwellinghouse surrounds a central courtyard. The dwelling consists of a two storey traditional gabled cottage with a single storey element facing the street, together with a two storey element to the rear, and is finished in white render with slate roofing. The site is flanked on the northern side by the neighbouring two storey property, 'East Wings' which encloses the courtyard and which once formed part of the same property. The locality is rural in nature, with the two dwellings appearing open and prominent to the highway.

THE APPLICATION

The application seeks planning permission for the erection of a two-storey side/rear extension whilst retaining as much of the fabric of the original extension as possible.

The extension measures approximately 13.3 metres in width with a depth of 6.5 metres. The ridge height measures 6.2 metres. On the south eastern elevation there will be two sets of double doors at ground floor level. Within the roof slope there will be three rooflights. The north west elevation will likewise have two sets of double doors on the ground floor with windows above. Additionally there will be four large rooflights and two small in the roof slope.

The materials proposed are to be timber cladding to be used on the external elevations with a slate roof. The windows and doors are likewise proposed to be timber.

A Design and Access Statement was submitted as part of this application.

The application was amended to provide consistent plans as well as amend the site edge; these amendments also included alterations to the proposal.

RELEVANT PLANNING HISTORY

AM/1052/60 - Alterations to house and erection of service house. Unconditional permission.

AM/1173/69 - Use as separate unit. Conditional permission.

PARISH COUNCIL

Received on the 26th March 2019:

"The Parish Council objects to this application. The semi-detached building is located in the Green Belt and AONB. It is within 100m of Conservation Area No V20 and Cholesbury Iron Age Hillfort which is a Scheduled Ancient Monument. The proposed extension is very large and is 1.3m higher than the existing building and its adjoining neighbour, East Wing both of which front Cholesbury Road. It would dominate both dwellings. The design is inappropriate for the setting and the proposed cladding is black painted timber whereas all buildings are currently painted white. The consequence would be visually unacceptable views from all directions. It would have a major impact upon the privacy."

Received on the 30th April 2019:

"The Parish Council objects to the two amended applications PL/19/0592/FA notwithstanding to minor reduction in the roof height. It remains an inappropriate development all as described in our comments upon the original application."

REPRESENTATIONS

Hawridge Court Farm, Kiln Lodge

- Boundary is wrong
- Greatly affect the historic view of property from the road and common from previous farm yard
- Increased roof height would affect privacy and light to East Wing

Amended plans were received which corrected the discrepancy in the boundary line which has alleviated this problem.

East Wing

- Prominent in the setting
- and 26% bigger than existing extension which is larger than original cottage
- 32% bigger when viewed from public footpath
- Become tallest of cluster of buildings, being intrusive
- Does not respect scale and proportions of existing building and would affect nature and appearance of the group of houses
- Not subordinate in size or scale to the original dwelling; it would become the main dwelling
- Not conserve or enhance the landscape character of AONB
- Within 100m of Scheduled Ancient Monument and Conservation Area and would be dominant, affecting views to these
- Intrusive and overbearing to East Wing, being 5m away and affecting amenity
- Strongly object to windows in south east elevation
- Visibility to bedroom removing privacy (70% of room visible)
- Windows in north west first floor would overlook garden which currently has complete privacy
- Higher roof would adversely affect daylight to yard and sense of overbearing bulk
- Change of material from white to black timber cladding would cause massive loss of light - white material reflect light into East Wing
- Demolition stated may cause building to be built closer
- Surface water should not be disposed to East Wing

Kiln Lodge

- The proposal will greatly change the historic view of the property from the road and from Cholesbury Common.
- The increase in roof height would affect the privacy and available light to East Wing.
- The original buildings have been in place since the late 1800s when the property was a small farm with outbuildings and yard in which these outbuildings were converted to habitable rooms.

Prior to these comments being received amended plans were additionally sought for alterations to the overall scale and design of the building. This reduced the height of the dwelling and altered window positions and introduced obscure glazing.

CONSULTATIONS

Environmental Health

Received on the 11th March 2019:

"The proposed development involves the erection of a two-storey side extension following demolition of an existing extension.

The historical maps show that there have been buildings on site since the 1874-1891 epoch, the site is shown adjacent to a Danish Camp, no changes are shown until the 1961-1971 epoch, when the site is labelled Cherry Orchards.

There are rows of trees shown on site and in the surrounding vicinity on the historical maps, the trees are not shown from the 1960-1976 epoch. The site may have been part of a former orchard. Based on this, a condition regarding the reporting of unexpected contamination is required on this and any subsequent applications for the site."

Ecological Consultant

Received on the 4th April 2019:

"No ecological survey information has been provided in support of this application. It is therefore requested that a preliminary roost assessment is undertaken to assess the ecological value of the site to ensure no protected species, such as bats, will be harmed as a result of the proposals. The assessment shall include a desk study, with records obtained from the local environmental records centre.

The Local Planning Authority can refuse permission if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2018), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017. The LPA has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812)(S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

The applicant will need to commission an ecologist to produce a survey to establish whether protected species are using the site and whether a European Protected Species Mitigation Licence is required to enable the development to proceed.

In accordance with Core Strategy Policy 24: Biodiversity of the Chiltern District Core Strategy, the biodiversity resources within Chiltern District will be conserved and enhanced by ensuring "development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife.

Details of biodiversity enhancements should therefore be provided to ensure a net gain in biodiversity, including provision of bat and bird boxes."

[Officer Note: following the above comments, the applicant submitted an ecology survey and the Council's Ecological Advisor was re-consulted]:

Received on the 10th July 2019:

"I have reviewed the Preliminary Bat Roost Assessment (April 2019) and Bat Pre-mitigation Method Statement (June 2019) produced by Chase Ecology and am satisfied that the presence of protected habitats and species has been sufficiently assessed.

The surveys undertaken in 2019 have confirmed the presence of Common Pipistrelle and Brown Long-eared Bat roosts within the site. A third bat survey is required to inform the licence, as scheduled within the reports. If minded to approve, the development must be undertaken in accordance with the recommendations of the bat survey assessment letter, including obtaining a full European Protected Species Mitigation Licence from Natural England and provision of artificial roost features. The full details of mitigation measures will be agreed with Natural England.

All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended) and I therefore recommend an informative."

Buckinghamshire County Council's Archaeological Officer

Received on the 26th April 2019:

"Thank you for consulting the Buckinghamshire County Archaeological Service on the above proposal. We maintain the local Historic Record and provide expert advice on archaeology and related matters. The nature of the proposed works is such that they are not likely to significantly harm the archaeological significance of

any assets. We therefore have no objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest."

POLICIES

National Planning Policy Framework (NPPF), February 2019.

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, GC3, GC4, LSQ1, GB2, GB13, H13, H14, H15, H16, H17, CA2, AS1, AS2, TR2, TR11 and TR16.

Draft Chiltern and South Bucks Local Plan 2036.

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

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

The Chiltern Buildings Design Guide, February 2010.

EVALUATION

Principle of development

1. The site is located within the open Green Belt where in accordance with the NPPF, most development is considered inappropriate and by definition, harmful to the Green Belt. Paragraph 145 outlines exceptions to inappropriate development, including the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
2. With regard to Chiltern's Local Plan Policies, Policy GB2 provides an overview of development within the Green Belt, and Policy GB13 relate to extensions to existing within the open Green Belt. Policy GB13 states extensions may be permitted in the open Green Belt, provided they are subordinate to size and scale of the original dwelling and not intrusive in landscape and complies with all other relevant Policies. This Policy also required the assessment of previous extensions and the cumulative effect on size and scale of original dwelling when been previous extensions. It is noted that the "original" relates to the building as it existed in 1948.
3. In this case, the original dwelling is how it existed in 1948. This is largely how the property exists today. The original dwelling therefore consists of the main cottage part, orientated NW-SE, plus the lower element orientated perpendicular to the rear, NE-SW. This latter element was originally an outbuilding, but was converted to part of the dwelling pre-1948, therefore it forms part of the original dwelling for Green Belt purposes. The proposed extensions would involve raising the height of this latter section. They would also entail new exterior walls around this existing section, but it would be retained inside the new shell, with the increase in size and volume primarily arising from the increase in height.
4. Having regard to Policy GB13, the extension proposed would not materially affect the footprint of the original building, only involving marginal increases in width and depth. It is noted that the ridge height of this section will be increased but given that this mirrors the ridge height on the main part of the original dwelling, it would respect the character of the property and would not appear as a disproportionate addition over and above the size of the original building. The works are intended to retain the historic fabric of the original extension by wrapping the original shell of the building in new walls and roof. Given the overall increase in

volume, it is considered that the works can be regarded as not being a disproportionate addition over and above the size of the original building. As such, the proposal is considered to be acceptable in principle having regard to Policy GB13. Aspects including design, character and appearance will be discussed below.

5. In addition, the site is also located within the Chilterns AONB where any proposal should therefore conserve and enhance the special landscape quality of the AONB. It is noted the site is located within a Biological Notification Area, as well as being in close proximity to the Ancient Monument of the Cholesbury Camp hill fort.

Design/character & appearance

6. It is intended that the original section of the dwelling will be partially retained keeping as much of the internal walls as possible to ensure that the historic fabric would be preserved. The side/rear extension will retain the general footprint of this part of the property but will include a small increase in the height of the ridge and eaves (by approximately 0.7 metres). However this would result in the height of the rear section matching the original cottage. The majority of the works are sited within the roof space, but it would not appear unduly bulky or contrived as it reflects the roof height of the main part of the original dwelling. The appearance of the extension has been sympathetically designed to appear as a contemporary and modern interpretation of a barn like building which are common across the Chilterns and also within the surrounding plot. The traditional courtyard arrangement of farm buildings would be retained. Additionally, the visual separation between the new element and the older part of the original dwelling enables there to be a clear distinction between old and new. Whilst there is a considerable level of glazing proposed, this has been designed and sited as such to reflect traditional barn openings. The level of glazing has also been reduced with the submission of amended plans during the course of the application. The proposed elevational treatment will be blackened timber boarding which reflects the rural surroundings and also relates to an existing large barn on site which serves as a garage. It is also a common elevational treatment advocated by the Chilterns Buildings Design Guide for outbuildings. Although the proposed material contrasts to the original white colouring of the extension, the contrasting nature adds to the overall character of the dwelling and helps distinguish between the old and new elements.

7. In assessing the proposal, it is considered that the extension results in a building that has a design, form and appearance which respects the existing surrounding sensitive landscape and rural area. No objections are therefore raised in relation to the impact on the character of the area.

Residential amenity

8. The property has an unusual relationship with East Wing, with East Wing's flank facing the courtyard of the subject site. This relationship results in the proposed extension being sited in close proximity to East Wing. However, when considering this relationship there is already a level of overlooking between Cherry Orchards and East Wing but this is predominantly at ground floor level. Under the proposed new extension, the design includes a number of windows placed at first floor level and within the roof slope of the north eastern elevation. The roof light sited closest to East Wing is proposed to be obscurely glazed. This obscurity will be conditioned to ensure the amenities of East Wing are maintained to existing levels. It is noted that the increase in height has the potential to appear dominant when viewed from East Wing; however, given the ridge height remains to sit below that the neighbouring dwelling and design elements reduce the impacts of the extension upon East Wing, it is not considered that the proposal will materially affect the amenity of the adjacent property. Therefore, there are no concerns raised having regard to Policies GC3 and H14.

Parking/Highway implications

9. The extension does not result in an increased parking standard for the dwelling, therefore there are no parking implications. With regards to the parking on site, there are no alterations to the existing access or

parking arrangements. The site accommodates ample parking on the existing driveway and therefore no objections are raised regarding Policy TR16.

Ecology

10. As the works involve alterations to a historic roof in a rural area, the Ecological Officer was consulted on the application and requested that a preliminary roost assessment was undertaken to assess the ecological value of the site to ensure that no protected species, such as bats, would be harmed as a result of the proposals. Subsequent to this, a Preliminary Bat Roost Assessment (April 2019) and Bat Pre-mitigation Method Statement (June 2019) were produced by Chase Ecology. Having assessed these, the Council's Ecologist was satisfied that the presence of protected habitats and species had been sufficiently assessed. As such, subject to conditions the proposal is not considered to harm protected species on site.

Impact on the non-designated heritage asset

11. The Historic Buildings Officer was consulted on the application and raised some concerns with the proposal given the opinion that the dwelling could be viewed as a non-designated heritage asset. For context, the dwelling is not located within a designated Conservation Area and is also not a Listed Building but it is sited approximately around 58 metres from the Conservation Area and 153 metres from the closest Listed Building. Given this and the fact that the historic fabric of the original main dwelling will not be disturbed and additionally that the proposed extension intends to maintain some of the fabric of the original extension (internally), the proposal is not considered to cause harm to the non-designated heritage asset. Additionally, the historic setting of the building has already been impaired to a degree given the close siting of East Wing, a modern dwelling which runs directly along the north eastern boundary line. Therefore there would be no substantive reason to refuse the application based upon its impact to the non-designated heritage asset. Moreover, the extension has been designed as such to limit the impact upon the original dwelling by having a form and nature which reflects a traditional barn structure and by having a scale which reflects the original dwelling.

Conclusions

12. Having regard to the above assessment, the proposed replacement extension is considered to be acceptable in the Green Belt and AONB and its overall design, appearance and character sympathetically respect the original dwelling and its surroundings and does not result in adverse impacts to neighbouring amenities or to the non-designated heritage asset.

Working with the applicant

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

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

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

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

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 C108A General Time Limit

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

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

3 No works of site clearance, demolition or construction shall take place until a European Protected Species Mitigation Licence has been granted by Natural England. Updated nocturnal surveys shall be undertaken to inform the licence application and a copy of the licence is to be provided to the Local Planning Authority.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and to protect species of conservation concern.

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

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy 24: Biodiversity of the Chiltern District Core Strategy and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

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

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

6 The first floor windows and rooflight in the south eastern flank elevation of the extension shown on plan 17002-130 B, hereby permitted, shall be wholly glazed with obscured glass, and shall also be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: To protect the amenities and privacy of the neighbouring property, East Wing.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows/rooflights other than those hereby approved shall be inserted or constructed at any time at first floor level or above within extension hereby approved.

Reason: To protect the amenities and privacy of the neighbouring property, East Wing.

8 AP01 Approved Plans

INFORMATIVES

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

PL/19/1724/FA

Case Officer: Olawale Duyile
Date Received: 17.05.2019 Decide by Date: 12.09.2019
Parish: Chalfont St Giles Ward: Chalfont St Giles
App Type: Full Application
Proposal: Demolition of 7 existing barns with B8, B1, sui generis, and non agricultural use, and erection of 6 residential units incorporating open fronted parking barns and attached garages, along with new vehicular access.
Location: Tier Cottage
Dibden Hill
Chalfont St Giles
Buckinghamshire
HP8 4RD
Applicant: Christine Homes

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Area Special Control of Advertisements
Adjacent Public Footpaths and Public Rights Of Way
Within Green Belt other than GB4 GB5
Mineral Consultation Area
North South Line
Buckinghamshire County Council Minerals and Waste Local Development Framework and Buckinghamshire Minerals and Waste Local Plan
Adjoining Public Amenity Open Space

CALL IN

Councillor Bray has requested that this application is referred to the Planning Committee if the Officers' recommendation is for approval. He states there are concerns regarding traffic management, which, although he acknowledges is not a planning matter, the subject of access to the site has been raised by the owners of the private roads leading to it.

SITE LOCATION

The application site lies within a rural area to the southeast of Chalfont St Giles. It is surrounded by a mix of residential dwellings, farm buildings, and agricultural and paddock land. Access to the site is from Dibden Hill via The Lagger. From Dibden Hill, access is gained from a shared gated vehicle access with the residential property known as Tier Cottage. Dibden Hill is also a bridleway that forms part of a network of such paths linking Chalfont St Giles with the wider countryside.

The development site lies to the rear of Tier Cottage. It comprises a group of former agricultural buildings now with lawful commercial and residential uses. They are functional agricultural buildings finished with cement sheeting and corrugated roof varying in height up to the equivalent of a two storey house. They are sited around a courtyard that is presently used for vehicle parking and manoeuvring, and also outdoor storage purposes, both associated with the commercial activities on site. Access to the courtyard is through land comprising the garden of Tier Cottage.

A playing field area runs from the edge of the local school to The Lagger and there are also several dwelling houses fronting the unmade part of The Lagger. Residential development exists along Dibden Hill, and beyond this is open countryside and woodland.

THE APPLICATION

Consent is sought for the redevelopment of the site to provide six (6) new dwellings set around a courtyard with the creation of a new vehicular access from Dibden Hill - utilising part of the garden of Tier Cottage. The existing shared access, also from Dibden Hill, would be for the sole use of the occupiers of Tier Cottage. The dwellings are all two storey buildings with dormer windows in the roof. There are two detached houses and four attached properties forming a short terrace.

The layout reflects the courtyard pattern of the existing buildings. The dwelling mix comprises 4 x 3 bed, 1 x 4 bed and 1 x 5 bed dwellings. The proposed dwellings each have at least 10 metre deep garden areas, and parking provision consists of 19 spaces for the six dwellings.

RELEVANT PLANNING HISTORY

CH/2007/1005/EU - A Certificate of Lawfulness was granted for the existing use of the land and buildings for storage, workshop, office and builders yard consisting of:

Unit 1 - Use Class B8

Unit 2 - Use Class B8

Unit 3 - Use Class B8

Unit 4 - Use Class B1 (office)

Unit 5 - Use Class B1 (light industrial)

Unit 6 - Sui generis use relating to scaffolding business

PL/2018/4047/EU - A Certificate of Lawfulness granted for use of the piggery building, for non-agricultural purposes.

CH/2016/1036/FA - Permission refused for the Redevelopment of site to provide four detached dwelling at Penwynne Farm. Subsequent appeal dismissed.

CH/2017/0935/FA - Conditional Permission granted for subsequent application for the construction of four detached dwellings at Penwynne Farm.

PARISH COUNCIL

The Parish Council strongly object to this planning application. The planned buildings are not in character with the area. As the proposed buildings are two storey they will be overlooking the neighbouring residence who will therefore experience a loss of privacy. There has not been a request to change the use to residential [Officer Note: the Parish Council misunderstand the process; this is part of the current application.] There are concerns regarding the ability of the existing infrastructure to cope. Despite the report stating that there is no evidence of badgers on the building site we have been informed that there is evidence of badger activity on the boundary with the site. However our major concern is regarding access not only to construction traffic but to the resulting residential traffic. Dibden Hill is a bridle way and not suitable for heavy traffic. The unmade lane leading from The Lagger is privately owned as is the lane leading to the site from Narcot Lane. Both are unsuitable for wide heavy traffic and are already being eroded by building traffic approaching the site for the Penwynne Farm development. All three access roads are mentioned in the traffic management plan for Penwynne Farm development however this plan is largely ignored by construction traffic. We must state that none of the access routes are suitable for construction traffic or the increased residential traffic.

REPRESENTATIONS

Representations from 12 local residents expressing various concerns - summarised below:

- Inadequate road / access
- Increased traffic and road safety
- Noise and pollution
- Damage to water mains, power lines, gates, walls and other infrastructure
- Design and layout out of keeping
- Conflict with the Neighbourhood Plan

CONSULTATIONS

BCC Highways - When considering trip generation, the proposed six dwellings would generate in the region of four to six vehicular movements each, two-way. This would equate to a total trip generation of twenty-four to thirty-six vehicular movements for the development. I find that these movements would result in a comparable level of activity when viewed with the current lawful site uses. I have also consulted with the County Council's Strategic Access Officer regarding the proposals and will recommend a condition relating to a Construction Management Plan being submitted to the Planning Authority before the development works commence on site.

Mindful of the above, I have no objection to the proposals, subject to the imposition of a condition and informative being included on any planning consent that you may grant.

Building Control - Access for the Fire Service to comply with Approved Guidelines.

Environmental Health - Recommend the imposition of contaminated land condition given the historical uses.

Waste Management - Expressed concerns that the 30 tonne recycling vehicle would be unable to access the site in forward gear. However, they acknowledge that refuse collection vehicles can reverse into the site to the bin collection point or the vehicle may choose to facilitate collections from the road.

Planning Policy - The site lies in the Metropolitan Green Belt outside any settlement or other area in which limited infilling might be acceptable in principle under Policies GB4 or GB5 of the Chiltern Local Plan. Subject to a detailed analysis of the impact on the openness of the Green Belt of the proposed residential development in comparison with that of the existing buildings, I do not have any policy objections in principle to the proposal. The site is about 1.1km from the centre of Chalfont St Giles, which is one of the main towns and villages in the district, so I would not regard the site as being in an essentially unsustainable location for new housing and clearly a level of activity and traffic generation would be expected from the authorised and permitted existing uses.

POLICIES

National Planning Policy Framework (NPPF).

National Planning Practice Guidance.

Core Strategy for Chiltern District Adopted November 2011: Policies CS1, CS4, CS8, CS16, CS20, CS24, CS25, CS26, CS30.

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GC4, GB2, GB22A, GB30, H11, H12, TR2, TR3, TR11, TR16,

Chalfont St Giles Neighbourhood Plan 2014-2036.

Draft 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. Core Strategy Policy CS16 and Local Plan Policy GB22 both seek to secure the long term retention of a portfolio of employment sites and premises within the District which are attractive to the market and which provide a range of jobs to meet local needs. Dibden Hill is a narrow unmade road and a bridleway. Whilst it serves a collection of dwellings and other properties it is unsuitable to accommodate additional traffic movements and this makes the site unattractive for continued commercial use and there appears to be no reasonable prospects for commercial uses in the long term.
2. The principle of sustainability lies at the heart of the NPPF. This guidance recognises the role of good design in achieving such development. It also seeks to deliver a wide choice of quality housing, protect the existing amenities of residents, and promote or reinforce local distinctiveness. It continues to provide protection for the Green Belt, and has reinforced the wider range of development that is considered appropriate within this designation. This includes the redevelopment of previously developed land, within the Green Belt subject to the proposal not having 'a materially greater impact on the openness of the Green Belt than the existing development'.
3. In respect of the desirability of the location of the proposed residential development, the appeal decision on the nearby Penwynne Farm, Dibden Hill - Planning Application Ref: CH/2016/1036/FA, is a material consideration in the assessment of the current proposal. Although the appeal was dismissed, the Inspector raised no objections in respect of the location of the site, in light of the principles of sustainable development as set out in the NPPF and Policy CS4 of the Core Strategy.
4. The Inspector also noted that the site, due to its limited accessibility, its location within the Green Belt and the close proximity of residential development, were constraints that would affect the range of employment uses and type of development that could be accommodated. She went further to state that these constraints are sufficient to negatively impact on the use of the site for employment purposes and are likely to make the site less attractive to the market. The Inspector concluded the proposal would not result in the loss of a valuable employment site and would not be in conflict with Policy CS16. Policy GB22A was also given limited weight.
5. In the light of the foregoing, the same would have to apply to the current site. As such the principle of redevelopment and loss of the employment site ought to be considered acceptable.

Impact on the Green Belt

6. The NPPF identifies the types of development that are not inappropriate within the Green Belt. Policy GB2 also sets out the exceptions to inappropriate development in the Green Belt, although in any case of inconsistency, the NPPF carries more weight as it is more recent. Indeed, this policy is outweighed by paragraph 145 of the NPPF which sets out further exceptions including "the partial or complete redevelopment of previously developed sites [brownfield land], whether redundant or in continuing use". In

such cases, the proposal should "have no greater impact on the openness of the Green Belt than the existing development".

7. In respect of the impact of the proposed development on the openness of the Green Belt, site and volumetric comparison indicates that the Gross External Area (GEA) for the footprint of the buildings to be demolished is 1386 square metres and the volume to be demolished is 6416 cubic metres. The proposed dwellings have a combined GEA of 740 square metres and a combined volume of 3478 cubic metres. The development would therefore result in a decrease on site of 47 percent of built footprint and 46 percent reduction in built volume and it would clearly have no greater impact on the openness of the Green Belt than the existing development.

8. It is concluded therefore that the redevelopment of the site through the demolition of the existing buildings and the construction of six dwellings does not have a materially greater impact on the openness of the Green Belt, such that the principle of development is acceptable in Green Belt terms.

Design, Character and Appearance

9. The application site is adjacent to a built form continues up and along both sides of Dibden Hill. The proposed development would reflect and respect this pattern of development. It replaces a group of buildings which were originally constructed for agricultural purposes and have a functional appearance. They are grouped around a courtyard and the layout of the proposed dwellings will reflect this. In essence the proposed layout is successful in achieving a form of development that respects and reflects the character and pattern of development in the vicinity of the site, and therefore complies with Policies GC1 and CS20 of the adopted Development Plan.

10. In respect of detailed design, the elevational plans are satisfactory. The proposed materials are appropriate for this location with the use of locally sourced bricks, and flintwork. Overall therefore, the dwellings have been designed to a standard required by both national and local policies and guidance, and achieve a scheme that will contribute positively to the local distinctiveness of the area.

Residential Amenity and Standards

11. Local and national policies seek to ensure that development creates a high standard of amenity for future residents while protecting the amenities of existing residents. The proposed dwellings have reasonably good sized gardens and the layout allows for sufficient space to accommodate waste facilities, and includes a bin collection point close to Dibden Hill.

12. The new properties are set well away from the existing and would not directly overlook Tier Cottage which will have its own private vehicle access. The Parish Council comments that dormers would overlook neighbours, however there is a significant distance involved and none of the dormers actually face towards any neighbouring properties, so it is unclear if the Parish Council have understood the plans. The new access is sufficiently distanced from the existing house so as not to detrimentally affecting their living conditions.

13. Overall therefore the layout and design of the development complies with Policy GC3 of the adopted Local Plan and the provisions of the NPPF.

Parking and Highways Implications

14. The Development Plan requires all development proposals to ensure that there is sufficient parking provision made for the future occupiers of the development, and also that the development does not significantly compromise the highway safety situation for existing and future users of the highway.

15. As the dwellings have a floor area greater than 120 square metres, the Council's Parking Standard is three spaces per dwelling. Given that the site is not in the most sustainable location, it is considered that this standard should be met in this location. Three spaces are indeed provided per dwelling and are contained within or close to the curtilage of each property. The new access has been designed with visibility splays that are suitable for the unmade nature of Dibden Hill. It can therefore safely accommodate the traffic associated with six new dwellings, and will not increase the trip generation associated with the lawful use of the site. The layout allows for vehicles including emergency and servicing vehicles to turn and leave the site in a forward direction.

16. The lanes in the area are not overly wide and the access issues identified by neighbours, Cllr Bray and the Parish Council are all noted. The Transport Statement that accompanies the planning application concludes that the proposed houses will generate in the order of 6 to 8 trips per day per dwelling. This gives a possible traffic generation of between 36 and 48 traffic movements. It is imperative to compare this to the existing traffic movements, otherwise the planning assessment would be incorrect. In this respect, the resulting traffic movements from the six dwellings would be less than or, at the most, equal to, the traffic movements which could be generated by the lawful uses currently on the site. It is actually a material benefit of the residential development that it would entail the removal of larger commercial vehicles that have visited the site, or could continue to do so with the lawful employment uses. Refuse vehicles already attend the existing dwellings in Dibden Hill and the proposed development will not alter that situation. The proposed houses will require deliveries by commercial vehicles in the same way as the existing houses do but this will be significantly less frequent than the visits by commercial vehicles that the lawful uses have and could continue to generate. As such, when comparing the traffic movements (both in terms of number and type of vehicles), it is clear that the proposed scheme would result in a much better situation. For that reason, it would be highly unreasonable to object to the current scheme on traffic or access grounds.

Other Matters

17. Policy CS8 of the Core Strategy requires at least one affordable housing unit on sites of 5 to 7 dwellings. However, there are now specific circumstances set out in the NPPG (National Planning Practice Guidance) where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale development, including developments of 10 units or less, which have a gross floor space of less than 1,000 square metres. Accordingly, an affordable housing contribution would not be required in this instance.

18. The proposed development has no impact on designated and non-designated heritage assets and overall, there is a net increase in soft landscaping in terms of site coverage, which will further enhance the appearance of the area.

19. A Construction Traffic Management Plan could be required, by condition, to ensure proper consideration is given to the nature of construction vehicles and their movements and access to the site.

Conclusions

20. In accordance with the NPPF, the land is classed as previously developed land. The proposals would not have a greater impact on the openness of the Green Belt than the existing buildings. The proposed development draws on the local vernacular and ensures the design reflects and respects the character of the area. There are no adverse impacts arising in relation to the impact on the area, the amenity of neighbouring properties, parking or traffic/access. In respect of the latter, the issues with the local road network are acknowledged but given that the proposed development is better than the existing, in terms of vehicle movements and types of vehicles, it is not possible to raise an objection on these grounds.

Working with the Applicant

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

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

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

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

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 C108A General Time Limit

2 Prior to any construction work taking place above slab level, a schedule of materials to be used in the external elevations and roofs of the approved dwellings 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 any construction work taking place above slab level, a specification of all finishing materials to be used in any hard surfacing within the application site shall be submitted to and approved by the District Planning Authority in writing. Thereafter the development shall be implemented 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 No part of the development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with the County Highway Authority. The Plan shall include the following details:

- Construction access;
- Management and timing of deliveries;
- Routing of construction traffic;
- Size of construction and delivery vehicles proposed;
- Provision for site operatives, visitors and construction vehicles loading, off-loading and parking;
- Measures to protect Dibden Hill and adjacent trees from construction traffic;
- Measures to carry out a bridleway condition survey, including photos, prior to the commencement of development and on completion of the development, then to rectify any damage which has occurred to the surface of the bridleway which should be returned to its original condition and appearance prior to the commencement of development;

- Measures to ensure contractors are aware the lane is also used by pedestrians, horse riders and cyclists; and
- Provision for the initial stages of construction work, including earthworks, regarding excavation and construction of foundations to take place between May and September, unless otherwise first agreed in writing with the Local Planning Authority due to prevailing weather conditions.

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

5 C406 Landscaping Scheme to be Submitted

6 C407 Landscaping Scheme to be Implemented

7 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

i) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

iii) The site investigation results and the detailed risk assessment

(ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure

that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

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

10 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 of or to the dwellinghouses 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 dwellinghouses be constructed or placed on any part of the land covered by this permission.

Reason: To protect the openness of the Green Belt.

11 AP01 Approved Plans

INFORMATIVES

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

PL/19/2029/TP

Case Officer: Mr Keith Musgrave
Date Received: 13.06.2019 Decide by Date: 08.08.2019
Parish: Chalfont St Peter Ward: Gold Hill
App Type: Works to trees covered by TPO
Proposal: T1 Cypress - fell (CDC TPO/1987/023)
Location: 3 Fairhaven
Chalfont St Peter
Buckinghamshire
SL9 9JE
Applicant: Mr Tom Levin

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Area Special Control of Advertisements
Mineral Consultation Area
North South Line
Buckinghamshire County Council Minerals and Waste Local Development Framework and Buckinghamshire Minerals and Waste Local Plan
Within 500m of Site of Importance for Nature Conservation NC1
Tree Preservation Order
Townscape Character
Adjoining Common Land
Common Land

CALL IN

Cllr Wertheim has requested that this application be determined by the CDC Planning Committee, if the Planning Officer's recommendation is for approval, for the following reasons:

- a) The tree should be suitably reduced in height similar to the adjacent cypress tree on the opposite side of the front garden.
- b) The tree is a significant landmark on that section of the road.
- c) The tree roots on this site have an important function retaining the soil in the bank which is about 1 metre in height.
- d) There is local concern.

SITE LOCATION

Fairhaven is a development of five houses built on the site of two houses on the northern side of Gold Hill Common at the end of the 1980s. These five houses use a single vehicular access from Gold Hill North. The Tree Preservation Order was made at this time to protect four cypress trees on the road frontage.

THE APPLICATION

T1 Cypress - remove to near ground level.
Reason for work: Adjacent wall has moved owing to root activity.

RELEVANT PLANNING HISTORY

The Chiltern District Council (Land at Fairhaven, Gold Hill North, Chalfont St Peter) Tree Preservation Order 1987 (No 23 of 1987) covering 5 individual cypress trees.

CH/1989/1749/FA Retention of five dwellings and garages (variation to rear boundaries of plots 1-3 permitted under planning permission 89/0820/CH). Conditional permission.

PARISH COUNCIL

Initial comments stated: Refer to Tree Officer Report, can it be replaced with a street tree.

Further comments stated: Object. Would like serious consideration given to alternative options to felling and would like to see the case for removal if this was the decision that was made. This tree contributes strongly to the street scene and its removal would have an environmental impact.

Is a grant available to tree owners to help protect their property - in this case a wall - to keep prominent trees?

REPRESENTATIONS

A representation from a resident of Fairhaven stating:

I agree that this tree needs to come down. A branch hangs over Gold Hill North and could damage a high coach / or transport.

The tree is also damaging the retaining wall into Fairhaven close and if left in place could cost all the houses in the close a great deal of money to replace.

A representation from a resident of Fairhaven stating:

I understand that the reason for this application is that the tree is causing damage to the wall on to the road. I appreciate that some action is needed to repair the wall and it has been suggested the only action at a reasonable cost involves felling the tree. All of us in Fairhaven will be disappointed if this were to occur, because the tree is a splendid specimen and one of the best trees in Gold Hill. My information about costs etc has only come second hand from others in the Close. The option of retaining the tree and building the wall to a standard needed is deemed to be expensive and would substantially fall on the tree's owner at No.3. However could you please explore whether there is any funds available from the District Council which could be put towards the rebuilding costs of the wall, while retaining this excellent tree? A contribution from the District Council to the work needed would be an ideal solution and would not contravene the TPO.

A representation from a Parish Councillor stating:

I understand that a protected tree at Fairhaven Chalfont St Peter is proposed to be felled.

This is a mature and very attractive tree, which forms a part of the street scene for all to enjoy.

Firs provide all year cover for wildlife, a tree of this size will be cleaning the air at a substantial level, and absorbing much run off water, which would otherwise run down into our beleaguered drainage systems in Chalfont St Peter. In the village we are seeking to increase tree cover to reduce pollution and aid the ecosystem, the constant stream of felling of trees in the village makes any attempts almost worthless unless we can safeguard our older trees which provide about 70 times more pollution absorption.

This tree will be sequestering carbon at a rate of about 48 pounds a year..... all released on felling.

The government is even saying that tree cover has to increase by vast amounts country wide, they are asking for an increase of double the tree planting by 2020, and tripling it by 2030.....all to no avail if we allow older trees to be felled at will.

In an urban area, trees play a vital role in air quality, and should be valued as much as any ancient monument. This is the vital role of TPOs, part of the absolutely vital endeavours we need to put in place now for the future of human existence.

Yes this is one more inconvenient tree.....along with so many others which are not quite where people might wish them to be...and are felled...gone in a few hours, the regular sound of tree cutting in the village should haunt us all.

I would ask that this felling is not allowed and an alternative solution is sought / a grant perhaps from some organisation maybe should be facilitated.

POLICIES

Core Strategy for Chiltern District - Adopted November 2011: Policy CS24

The Chiltern District Local Plan 1997 - Adopted 1 September 1997 (including alterations adopted 29 May 2001) - Consolidated September 2007 & November 2011: Saved Policy TW2

EVALUATION

1. The tree in the application is one of the four protected Lawson cypress trees along the front boundary of Fairhaven. It is the tallest of the four trees with a height of about 12m and it is the tree closest to the access to Fairhaven. It is a reasonable tree in a fairly prominent position but it is not considered to be of exceptional quality. It appears to be in reasonable health and it does not have any branches overhanging the public highway.

2. There appears to be no arboricultural reason for the removal of the tree but there seems to be little doubt that the cypress is causing some damage to the retaining wall beside the entrance to Fairhaven. The tree is situated less than a metre from the wall and there are several cracks in the wall with sections pushed out apparently as the result of root growth. It is understood that the residents hope that if the tree were removed the wall would settle back more into its original position and only minor surface repair work would be required. However if the tree were retained it is likely that in order to avoid the wall collapsing at some time in the future it would be necessary to rebuild the wall possibly incorporating measures to reduce the future risk, which could be fairly expensive.

3. However it should be borne in mind that if a local planning authority decides to refuse an application for consent under a Tree Preservation Order, it could be liable to pay compensation to the owner of the land for any additional cost incurred as a direct consequence of that decision if that cost was reasonably foreseeable when the consent was refused, subject to certain conditions.

4. Consequently it is considered that the application should be granted consent but that a replacement tree should be required set further back from the retaining wall. Lawson cypress is not a native species typical of the area so a native tree such as field maple is considered to be more appropriate.

5. 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 work for which consent is hereby granted shall only take place within two years of the date of this decision and may only be carried out once.

Reason: To prevent the accumulation of unimplemented and incomplete consents for works to preserved trees, to enable the Local Planning Authority to review the suitability of these works in the light of altered circumstances and to comply with the provisions of Section 17 of The Town and Country Planning (Tree Preservation)(England) Regulations 2012.

2 The works hereby approved shall be carried out in accordance with the guidance and recommendations in British Standard BS 3998:2010 Tree Work - Recommendations.

Reason: To ensure good tree management, to minimise damage to nearby trees and structures, and in accordance with Policy TW2 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

3 A field maple shall be planted as a replacement in a suitable position fairly close to the cypress tree to be removed but set further back from the retaining wall. The replacement broadleaf tree shall be Standard stock, rootballed or container grown, with a 1.8m tall clear stem of 8-10cm circumference and a minimum height of 3m. The tree shall be planted before the end of the first planting season (October to March) following the date of implementation of this consent. The species, size, position or time of planting shall only be varied with the prior written approval of the Local Planning Authority.

Reason: To maintain the special character of the area, which was the reason for the making of the Tree Preservation Order and in accordance with Policy TW2 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

4 If within a period of five years from the date of planting, the replacement tree (or any other tree planted as a replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place within the first planting season (October to March) following the removal, uprooting, destruction or death of the original tree.

Reason: To maintain the special character of the area, which was the reason for the making of the Tree Preservation Order and in accordance with Policy TW2 of The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

INFORMATIVES

1 All wild birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Consequently you should take adequate precautions to ensure that any tree work does not cause any disturbance to birds and their nests particularly during the normal nesting season of March to August. Similarly all bats and their roosting sites are protected by the same legislation so precautions should also be taken to avoid carrying out activities which might harm or disturb bats or their roosts.

2 You are advised that any foliage and wood arising from tree work should be disposed of appropriately and should not normally be burnt on site. Further information can be obtained from the Council's Environmental Health team or online at www.chiltern.gov.uk/bonfires.

PL/19/2428/FA

Case Officer:	Emma Showan	Decide by Date:	06.09.2019
Date Received:	12.07.2019	Ward:	Ridgeway
Parish:	Chesham		
App Type:	Full Application		
Proposal:	Erection of a new dwelling		
Location:	20 Hivings Park Chesham Buckinghamshire HP5 2LF		
Applicant:	Mrs Ann Goldstein		

SITE CONSTRAINTS

Adjacent to Unclassified Road
Adjacent Public Footpaths and Public Rights Of Way
North South Line
Within 500m of Site of Importance for Nature Conservation NC1
Townscape Character
Thames Groundwater Protection Zone GC9

CALL IN

Councillor Southworth has requested that this application be determined by the Planning Committee if the Officers' recommendation is for refusal.

SITE LOCATION

This application relates to a site in the built-up area of Chesham. It is located off Hivings Park which is a residential cul-de-sac characterised by semi-detached bungalows which are of a relatively uniform character. The dwellings are modestly proportioned with small front gardens and areas of hardstanding to accommodate off-street parking. The application site itself is located to the rear of No. 20 Hivings Park and is bordered along the north-east boundary by a public footpath.

THE APPLICATION

This application proposes the erection of a new dwelling, sited towards the rear south-eastern corner of the plot.

The proposed new dwelling would comprise a single storey, one-bedroom dwelling. It would have a maximum width of 9.8 metres, depth of 7.2 metres, and pitched roof height of 5 metres, with an eaves height of 2.3 metres.

It would be served by a shared access with No. 20 Hivings Park and would have an area of hardstanding to the front to accommodate two vehicles.

RELEVANT PLANNING HISTORY

PL/19/1398/FA - Erection of new dwelling. Refused permission for the following reason:

The application site forms part of the side garden of No. 20 Hivings Park which is located at the turning end of the cul-de-sac. Hivings Park has a distinct character, comprising semi-detached bungalows in modest plots

which all front the highway. In contrast, the proposed dwelling would be sited to the side/rear of No. 20 and given the orientation of the plot, it would not have a front elevation onto the public highway. This siting would be awkward and uncharacteristic of the locality whereby all other dwellings have a front elevation onto the highway and it would be a noticeable visual contrast with the remainder of the street layout where all dwellings have been carefully sited and arranged as part of the wider development. The proposed siting would therefore be odd and uncharacteristic of the settlement pattern along Hivings Park, with proposed dwelling appearing isolated and awkwardly sited in relation to neighbouring properties. The proposal is therefore contrary to Policies GC1 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and Policy CS20 of the Core Strategy for Chiltern District - Adopted November 2011.

CH/1992/0976/FA - Single storey side extension, conditional permission.

CH/1988/3860/FA - Alterations and dormer window in rear roof slope, conditional permission.

CH/1991/0767/OA - Demolition of garage, erection of detached chalet style bungalow and garage together with garage for existing dwelling both served by existing access drive, refused permission.

TOWN COUNCIL

None received at time of drafting report.

REPRESENTATIONS

One letter of support received stating that the modest size, its location together with ample off road parking would enable the property to fit in with the character of the neighbourhood.

CONSULTATIONS

Building Control Officer: 'No objections and comments to make.'

Environment Agency Officer: 'The application is low risk so we will not be providing a detailed response however the application form states that the type of foul drainage is unknown. We are only a statutory consultee in relation to foul drainage on major applications however please note that due to the proximity of the proposed development to the main sewer connection anything other than connection to the mains will be unacceptable.'

Highways Officer: 'Hivings Park is an unclassified road subject to a 30mph speed restriction. The road does not have parking or waiting restrictions and benefits from pedestrian footways.'

The application proposes the erection of a new dwelling. The proposed development will use the existing access currently used by number 20.

The submitted plans propose 2 parking spaces for number 20 and an additional 2 spaces for the proposed new dwelling. It is in my opinion that number 20 currently has access to 3 parking spaces, although in an unfavourable tandem arrangement. Therefore the development would result in the reduction of parking for number 20 by 1 space. I do however believe the proposed parking area does have adequate space for manoeuvring to allow vehicles to leave the site in a forward gear.

The parking standards specify that each parking space should be a minimum of 2.4 metres by 4.8 metres wide and I can confirm that the proposed parking spaces meet these measurements. I trust that the local planning authority will consider the adequacy of the level of parking proposed.

In regards to sustainability, the proposed development is located 200 metres from a bus stop providing links to High Wycombe and Chesham town centre. It is also located within walking distance of local shops reducing the reliance of occupants on private use vehicles.

Mindful of the above, I do have any objections to this proposal.'

Strategic Access Officer: No comments from a rights of way perspective.

Waste Officer: 'Waste Services note the proposal for a new dwelling at 20 Hivings Park. Waste has no objections, residents to store their refuse and recycling containers within the property grounds and present at their property boundary in accordance with Council policies in collection day only.'

POLICIES

National Planning Policy Framework.

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

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

Draft Chiltern and South Bucks Local Plan 2036. Policies: DP8, DP13, DP14, DP16, DP17, DP18, DP19 and CP3.

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

EVALUATION

Principle of development

1. The application site is located within the built-up area of Chesham where, in accordance with Local Plan Policy H3, proposals for new dwellings are acceptable in principle, provided they are compatible with the character of the area by respecting the general density, scale, siting, height and character of buildings in the locality, and the presence of trees, shrubs, lawns and verges. Other relevant Local Plan policies should also be complied with. The Draft Local Plan 2036 currently carries limited weight, but Policy DP13 is of particular relevance, relating to backland development.

2. The application follows the refusal of planning application PL/19/1398/FA for the erection of a new dwelling of comparable design and proportions to that proposed within this application. This earlier application was refused permission on the basis that the proposed dwelling would not have a front elevation onto the public highway and would have a siting that would be awkward and uncharacteristic of the locality whereby all other dwellings have a front elevation onto the highway and are carefully sited and arranged as part of a wider development. The proposed siting was considered to be odd and uncharacteristic of the settlement pattern along Hivings Park.

3. In order to attempt to overcome this reason for refusal, the proposed dwelling has been re-sited slightly in the plot so that it now faces towards the public highway, albeit at the same distance as previously sited, set well back and towards the rear of the neighbouring properties. It would in fact be more visible from the highway under the current application.

Design/character & appearance

4. The applicant site forms part of the side garden of No. 20 Hivings Park which is located at the turning end of the cul-de-sac. Hivings Park has a distinct character, comprising semi-detached bungalows in modest plots. The majority of properties have single garages to the side and a large number have been extended by way of modest single storey extensions. The locality however has a distinct character and dwellings have been intentionally laid out to form a distinct pattern. The dwelling at No. 20 is located at the very end of the road, where it occupies an uncharacteristic triangular shaped plot which is bordered by a public footpath to the north-east.

5. It is proposed to erect a dwelling in the area of side garden adjacent to the footpath, in the far eastern corner of the site, away from the road. It remains that the proposed dwelling would be single storey and modest in footprint, incorporating a single bedroom and open plan living/kitchen area. The previous application was refused in relation to the siting of the proposed dwelling, being odd, contrived and wholly uncharacteristic of the surrounding urban grain. Although the applicant has attempted to overcome this by re-orientating the dwelling so that it now has a direct line of sight to the public highway and turning end of Hivings Park, this does very little to address the previous objection and in fact makes the dwelling even more visible from the road. Regardless of the slight change in orientation, the dwelling would remain sited wholly to the rear of No. 20, and beyond the rear elevations of neighbouring properties so that it would still appear completely out of character with the surrounding development and as a classic example of 'back garden' development. The siting to the rear of neighbouring properties would remain awkward and uncharacteristic of the locality, where all the other dwellings in the locality have been carefully sited and arranged as part of a wider development. It is considered that the siting to the rear would result in the creation of a dwelling that appears isolated and awkwardly placed, with an unconventional relationship with its neighbours. Given the uniformity of Hivings Park, it is therefore considered that the proposal would have a severely detrimental impact on the character and appearance of the area and would not comply with Development Plan Policies GC1 and H3, as well as Policy CS20 of the Core Strategy.

6. Although the new Draft Local Plan 2036 is currently not part of the Development Plan, it carries some limited weight as it moves through the Local Plan process. It should be noted that Policy DP8 in the Draft Local Plan refers to backland development, stating that minor backland development can be acceptable providing it responds to the character of the area and does not result in tandem development. A dwelling in this location would visually appear as tandem development, as the new dwelling would appear to be behind the existing building when viewed from the street. It is not therefore in compliance with the policies of the Draft Local Plan 2036.

Residential amenity

7. Given the scale and siting of the proposed dwelling in relation to neighbouring properties, it is not considered that the proposal would have a detrimental impact on any neighbouring amenities. Its low height and scale mean that the proposal would not be overbearing and the proposed ground floor windows would be screened from neighbouring properties by the introduction of close boarded fencing along the boundaries. The relationship with the existing property at No. 20 is not ideal, as it would be highly visible from that dwelling. However its low height mitigates this to a degree. No objections are therefore raised regarding the impact of the proposal on neighbouring properties.

8. With regard to private amenity space for the proposed dwelling, Development Plan Policy H12 states that the general standard expected will be a minimum rear garden depth of about 15 metres, unless the rear garden lengths in the vicinity are significantly more or less. In this instance, the properties along Hivings Park tend to have rectangular rear gardens with depths of about 11 metres. Given the siting of the proposed dwelling, it would have a triangular shaped rear garden with a maximum depth of 14 metres and width of 12

metres. As the property is small in size, it is considered that the amount of garden space proposed would be adequate and so no objections are raised in this respect.

Parking/highways implications

9. In terms of the access arrangements, the existing access to No. 20 Hivings Park would be altered to allow for the driveway to be extended to serve the proposed dwelling also. The Highways Authority has assessed this arrangement and raised no objections.

10. In terms of parking, it is proposed to retain two parking spaces for No. 20 Hivings Park and to provide two parking spaces for the proposed dwelling. This is in line with the Council's parking standard for dwellings of this size and so no objections are raised.

Strategic access

11. The development site is bordered to the north-east by a public footpath. However the existing close boarded fence would be retained along the boundary with this footpath and so there would be no impact on the access to the footpath. However, the odd and uncharacteristic positioning of the dwelling in relation to other buildings would be evident when viewed from this footpath, adding to the harm caused to the character of the area.

Affordable housing

12. For proposals under 5 dwellings, Policy CS8 of the Core Strategy requires a financial contribution towards off-site affordable housing to be made. However, there are now specific circumstances set out in the NPPG (National Planning Practice Guidance) where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale development, including developments of 10 units or less, which have a gross floor space of less than 1,000sqm. No affordable housing contribution is therefore required.

Other considerations

13. It is noted that the Applicant has submitted a supporting statement setting out the personal circumstances of the application. Whilst this is noted, and officers are sympathetic to the case presented, personal circumstances do not outweigh well established planning policy. Whilst in exceptional cases, it is sometimes possible to grant planning permission for particular types of development, subject to personal conditions which restrict the development to a named person(s) only, national planning guidance states it is inappropriate to use personal conditions for permanent buildings, such as this, as it is unreasonable to require them to be demolished after the personal need ceases. The proposed development would outlast the personal circumstances of the Applicant and unfortunately, in this instance, the circumstances of the Applicant are not considered to be sufficient to outweigh the identified harm that would arise from allowing the proposed development, as they could be repeated anywhere.

Working with the applicant

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

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

In this case, the proposal did not accord with the Development Plan, and no material considerations were apparent to outweigh these matters. It was not considered that any changes during the course of the

application would have reasonably overcome these issues, so the application was recommended for refusal on the basis of the submitted plans.

Human Rights

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 applicant site forms part of the side garden of No. 20 Hivings Park which is located at the turning end of the cul-de-sac. Hivings Park has a distinct character, comprising semi-detached bungalows in modest plots which all front the highway. In contrast, the proposed dwelling would be sited to the side/rear of No. 20 and given the orientation of the plot, it would not have a direct front elevation onto the public highway. This siting would be awkward and uncharacteristic of the locality and it would be a noticeable visual contrast with the remainder of the street layout where all dwellings have been carefully sited and arranged as part of the wider development. The proposed siting would therefore be odd and uncharacteristic of the settlement pattern along Hivings Park, with proposed dwelling appearing isolated and awkwardly sited in relation to neighbouring properties. The proposal is therefore contrary to Policies GC1 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and Policy CS20 of the Core Strategy for Chiltern District - Adopted November 2011. It would also not comply with Policy DP8 of the Draft Chiltern and South Bucks Local Plan 2036.

The End