

Classification: OFFICIAL

CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 9th January 2020

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Chalfont St Peter

PL/19/2296/FA

Ward: Chalfont Common

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Proposal: Demolition of the redundant public house and the construction of seven apartments

Recommendation: Refuse permission

Waggon and Horses Public House, Copthall Lane, Chalfont St Peter, Buckinghamshire, SL9 0BU

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 9th January 2020

PL/19/2296/FA

Case Officer:	Margaret Smith	Decide by Date:	28.08.2019
Date Received:	03.07.2019	Ward:	Chalfont Common
Parish:	Chalfont St Peter		
App Type:	Full Application		
Proposal:	Demolition of the redundant public house and the construction of seven apartments		
Location:	Waggon and Horses Public House Copthall Lane Chalfont St Peter Buckinghamshire SL9 0BU		
Applicant:	Gerrards Cross Homes Limited		

SITE CONSTRAINTS

Article 4 Direction
Adjacent to A and B Road
Adjacent to C Road
Adjacent to Unclassified Road
Biodiversity Opportunity Areas
Mineral Consultation Area
North South Line
A and B Roads
BCC MWLDF and BMWLP (Mineral Protection Zones)
On/within 250m rubbish tip
Townscape Character
Adjoining Public Amenity Open Space

CALL IN

This application has been called in to the Planning Committee by Cllr Harrold regardless of the recommendation.

SITE LOCATION

This site lies at the junction of Copthall Lane with Gravel Hill/Amersham Road. The site lies outside of the Green Belt within a Townscape Character Area but land to the west lies within the Green Belt. The site is a long, thin triangular site that slopes steeply upwards from west to east and which is bounded to the south/south-east by a bank and dense trees and vegetation. The site also lies within a Biodiversity Opportunity Area.

The former Public House, which comprised a 2 storey building with some attached single storey additions, was sited on the western part of the site but it has recently been demolished. There is a car park on the eastern part of the site. To the immediate south-west are a terrace of residential properties: 'Peewit Castle', 'Gatewick', 'Atholl' and 'Azania'.

THE APPLICATION

The application, in its amended format, proposes the erection of a part 2/part 3 storey building with a ridged roof, a crown-topped, fully hipped roof, and a flat-topped roof with a single pitched, front facing, roof element. The south elevation would include some sheer 3 storey elements with a flat-topped roof.

The amended proposals comprise the provision of 6 x one bedroom and 1 x two bedroom flats. The proposed building would be sited on the western part of the site and on the tapering, eastern part of the site, 10 parking spaces would be laid out, which would be accessed by way of an existing crossover and a new proposed crossover.

To the south of the proposed building adjacent to the southern boundary of the site an irregular shaped external amenity space for communal use is proposed, which would have a depth of between 1.5 - 7.2 metres.

Habitable room windows are proposed to face northwards, eastwards and westwards, whereas the proposed south facing windows would serve non habitable WC/shower facilities and circulation areas.

RELEVANT PLANNING HISTORY

On 1 March, 2019 Historic England (Designation) rejected an application requesting the statutory listing of this building.

PL/19/0474/DM Demolition of public house. Determined that the information submitted with the application does not provide any details as to the proposed method of demolition and it has the potential to adversely impact the public highway. Consequently prior approval is needed of details regarding the method of demolition.

PL/19/1042/DM Demolition of the former public house, construction of 9 apartments and formation of vehicular use. Refused. This application was refused on 7 grounds pertaining to loss of a community facility, out of character development, loss of amenity to the occupiers of Peewit Castle, Gatewick and 4 Hillfield Road, inadequate amended access, substandard visibility of proposed access, inadequate information regarding protected species, setting of unacceptable precedent for introducing bulky and obtrusive development.

PL/19/1103/DM Demolition of public house. Determined that the information submitted with the application was sufficient to approve the demolition of the existing building subject to 2 conditions requiring the reporting of any unexpected contamination and the proposed demolition to be undertaken in accordance with the submitted Method Statement for Demolitions and the Demolition Management Plan.

PARISH COUNCIL

Amended Plans:

'Object: Parish Councillors stand by their previous comments, shame this ancient landmark now gone.'

REPRESENTATIONS

Letters of objection have been received during this application process from 30 local residents on the following, summarised grounds:

- Inadequate access proposed, dangerous to vehicles and pedestrians;
- Increased vehicular activity from proposed residential use at peak times;
- Potential traffic congestion;

- Inadequate on-site parking provision;
- Overbearing impact on adjacent residential properties;
- Loss of privacy to adjacent residential properties;
- Incongruous scale, should be only 2 stories, out of character with the locality;
- Overdevelopment;
- Over-prominent given corner location;
- Loss of view;
- Adverse impact on adjacent countryside;
- Impact on ground stability;
- Inadequate drainage;
- Proposed bin and cycle area requires earth reduction and loss of vegetation;
- Loss of view;
- Adverse impact on protected species including bats and birds and their roosts;
- Loss of historic building;
- Loss or damage to trees;
- Loss of community facility;
- Depreciate property values.

1 Letter of support has been received.

CONSULTATIONS

County Highways: Objection on the grounds that the proposed access would have substandard visibility and would lead to danger and inconvenience.

Waste Management: No objection.

Ecology: No objection subject to the imposition of a condition and informative.

Building Control (Fire Fighting Access): No response at time of drafting report.

Access for the Disabled: No response at time of drafting report.

Environmental Health: No objection subject to the imposition of a condition requiring the reporting of any unexpected contamination.

Affinity Water: No objection

Urban Design: Objection to the originally submitted drawings on the following grounds:

- The proposals are not based upon a robust site and contextual appraisal.
- The proposed building appears to be an overly large building mass for this particular site and location, with a modest 2 storey hipped building (wide and narrow in plan form) being replaced with a rather monolithic and imposing mass
- The absence of a locally inspired or otherwise distinctive architectural approach to the design of the building.
- The absence of meaningful structural landscaping that positively characterises the locality.
- Absence of active ground floor elevations, i.e. ground floor street facing apartments afforded their own front doors.

Amended Plans: Objection

'I note the applicant's revised planning statement (30/8/19) where it is stated that the "NPPF (2018) [sic] offers considerable support for the proposals". The NPPF (2019) has various design related provisions that reinforce the previous comments made, these are reinforced in the Planning Practice Guidance and the National Design

Guide. I would consider that the proposals fail to positively respond to Paragraph 130 in that there are opportunities here that have not been responded to. As such I do not agree with the statement in paragraph 6.4 of this Statement that conclude that the proposals conform to the NPPF.'

POLICIES

Chiltern District Local Plan adopted 1 September, 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 - policies GC1, GC2, GC3, GC4, H3, H11, H12, H16, TR2, TR3, TR11, TR12, TR15, TR16, NC1, and CSF2

Core Strategy for Chiltern District - adopted November 2011 - policies CS2, CS4, CS20, CS24 and CS29.

National Planning Policy Framework (NPPF)

Draft Chiltern and South Bucks Local Plan 2036

Chalfont St Peter Neighbourhood Plan

EVALUATION

1. This application falls to be assessed in the light of the NPPF, the adopted Chiltern District Local Plan, the emerging Draft Chiltern and South Bucks Local Plan 2036, and the Chalfont St Peter Neighbourhood Plan.

2. Also of relevance is the Townscape Character Study, and the Council's Supplementary Planning Documents pertaining to Affordable Housing and to Sustainable Construction and Renewable Energy.

Principle of Development

3. With regard to building a strong, competitive economy and supporting a prosperous rural economy, paragraph 83 of the NPPF states that planning policies and decisions should enable the retention and development of accessible local services and community facilities, such as public houses. Objections have been received regarding the loss of this Public House.

4. In conformity with the NPPF, policy CSF2 states that within the built-up areas excluded from the Green Belt, the Council will not allow any development which results in the loss of a community service or facility on a site, unless a suitable replacement can be conveniently provided or it can be satisfactorily demonstrated to the Council that the facility or any other community use of this site is no longer required and other policies are complied with. Also Core Strategy policy CS29 states that the loss of community facilities will only be permitted in exceptional circumstances and to work to ensure local facilities, such as local public houses remain open.

5. Given the foregoing, it would normally be necessary for it to be satisfactorily demonstrated that the site, and not just the building, is not required for this or any other community use. The Council would normally expect to see accounting information relating to the commercial viability or otherwise of the existing use, as well as a report from a marketing agent detailing the marketing of the site for sale/let, including length of time on the market, where the site has been advertised and for how long, advertised asking prices, details of viewings and any offers received. Information should also be submitted to demonstrate that other community service and facility uses have been considered at the site, including evidence that local organisations have been contacted to ascertain whether they would have any use for the site, including the Parish Council.

6. However, in this case, it is a material consideration that under ref. no. PL/19/1103/DM the District Council determined that the proposed demolition of the public house could be carried out subject to compliance with 2 conditions requiring the reporting of any unexpected contamination and the undertaking

of the demolition in accordance with the submitted Method Statement for Demolitions and the Demolition Management Plan.

7. It is considered to be a material consideration that during the period of assessing the application for proposed demolition, the building was not nominated as an Asset of Community Value and, despite objections that the building is considered to be of historic importance, an attempt to get the building listed was unsuccessful, although the building is listed in the Chalfont St Peter Neighbourhood Plan Heritage Asset Register. In this connection, Aim PW11 of the Neighbourhood Plan states that the Parish Council will require it to be demonstrated how proposals will conserve or enhance the character of assets, however, as noted above, the former public house has now been demolished.

8. Some of the objections received refer to the principle of introducing flats onto this site in an area characterised by single family dwellings, but given that formerly the site accommodated a public house, it would be difficult to sustain a reason for refusal in that connection on this site.

9. In the absence of any marketing information, this application is still contrary to saved Local Plan policy CSF2 as no replacement building or land is proposed and it has not been demonstrated that there is no need for any other community use in this locality and this policy is in accordance with the provision of the NPPF.

10. However, there is a presumption in favour of sustainable development in areas outside of, for example, the Green Belt and the AONB, and given the absence of a fully compliant 5 year supply of deliverable housing sites, the planning balance must be weighed up. In this case, although weight would normally be given to the failure to demonstrate that there is no need for any other community use in this locality in accordance with the requirements of saved Local Plan policy CSF2 and Chapter 8 of the NPPF, the former public house was an Asset of Community Value but there was no interest in purchasing the site prior to the demolition of the public house.

11. Consequently, it would be difficult to sustain a reason for refusal on the basis of the application being contrary to policy CSF2.

Impact on character and appearance of the area

12. Policy H3 relates to the provision of new dwellings in the built-up areas of the District outside of the Green Belt, and states that proposals should be compatible with the character of those areas by respecting the general density, scale, siting, height and character of buildings in the locality of an application site, and the presence of trees, shrubs, lawns and verges. Local Plan Policies GC1 and Core Strategy Policy CS20 are also relevant and require that development is of a high standard of design which reflects the character of the surrounding area.

13. This locality is identified as comprising Green Suburban Roads, characterised by having a green leafy character due to mature landscaping.

14. The amended proposals would result in the replacement of the former modestly scaled, 2 storey Public House building with its fully hipped, ridged roof, a small 2 storey addition and single storey additions to the front (north) and side (east) and its replacement with the erection of a much bulkier part 2/part 3 storey development with a part ridged roof, a part crown-topped, fully hipped roof, and a part flat-topped roof with a single pitched, front facing, roof element. It is considered that the proposed building would have an unusual roof configuration and the proposed south elevation would include some incongruous, sheer, 3 storey elements with flat-topped roofs.

15. The Council's Urban Design Consultant continues to raise objection to the amended proposals on the grounds that the proposed building is not compatible with the design of existing buildings in this locality, that

there would be an absence of structural landscaping facing the public highway to soften public views of the proposed development and an absence of a well-designed space around the proposed building.

16. In order to comprise 7 units and to reduce the height and bulk of the proposed development, that part of the building comprising Unit No. 7 would be accommodated within an incongruous roof form. Notwithstanding that, the overall building height would be comparable with the ridged roof at 'Peewit Castle' but it would result in a bulkier built form, particularly at 1st and 2nd floor level and would extend nearer to the Gravel Hill highway (N/W), nearer to the Copthall Lane highway (N), and would extend nearer to the boundary with 'Peewit Castle' (S/W) and would have an increased overall length and width.

17. As a result of the proposed increased length, width and volume, there would be an erosion of spaciousness around the proposed building compared to that which formerly existed, resulting in an overshadowed and poorly configured amenity space and a noticeably more prominent development closer to the Copthall Lane front elevation.

18. In addition to the greater bulk and spread of 2 and 3 storey development, the proposed development would result in the loss of vegetation, which formerly screened the public house from its car park. Also the proposals would result in the loss of a swathe of mature trees and vegetation in the eastern stretch of the site and the proposed introduction of hardsurfacing and the presence of parked vehicles.

19. As such, the proposed development would detract from the attractive and spacious character of Copthall Lane to which it most closely relates, and would detract from the green leafy character of a Green Suburban Road as identified in this locality contrary to Policy GC1 and Core Strategy Policy CS20.

20. As viewed from the west, from the Green Belt and the approaches along the A413, the proposed west elevation would be set only 6 metres from the uncharacteristically prominent 3 storey townhouses comprising 'Peewit Castle', 'Gatewick' and 'Atholl', resulting in a noticeable loss of spaciousness compared to the previous 10.6m gap between 'Peewit Castle' and the smaller Public House building.

21. The excessive bulk of the proposed development would be particularly noticeable where it would effectively replace the single storey elements of the public house, as viewed from across the green and from Copthall Lane.

22. In addition to the proposed introduction of this bulky and uncharacteristic building, the proposals would result in a greater expanse of hardsurfacing to accommodate 10 parking spaces and would result in the loss of some existing soft landscaping.

23. Although the trees on this site are not protected, and the proposals indicate the retention of the existing and substantial oak, holly, and sycamore along the southern (rear) boundary of the site, no provision has been made for the introduction of any soft landscaping to soften the proposed introduction of this bulky development as viewed from Copthall Lane, despite it abutting the footway.

24. Given the foregoing, it is considered that the proposed development would fail to reflect the prevailing scale of development characteristic of this locality and the proposals would therefore constitute an overdevelopment of this site, as identified by some of the objections received, dominated by an unduly prominent building and spread of hardsurfacing and car parking, contrary to policies GC1, H3, GC4 and CS20.

Amenity

25. Policy H12 is concerned with private residential garden areas throughout the District and states that where a communal amenity area needs to be provided for flats, this should be adequate for the number of dwellings proposed, and should include areas for refuse disposal, drying clothes and for sitting out in reasonable privacy.

26. The proposals annotate an external amenity space to the south of the proposed building, adjacent to a retaining wall which marks the boundary with 'Peewit Castle' and 4 Hillfield Road (to the S/E), which occupy higher ground. However, the proposed amenity space would not be adequate for the 7 flats that are proposed given that it would be overshadowed by the retaining wall to the south and the 3 storey building to the north and would have a limited width of between only 1.6 - 6 metres. Furthermore, the proposed amenity space would have limited natural surveillance, a specific concern raised by Thames Valley Police given that the proposed south facing windows would have to be obscure glazed to protect 'Peewit Castle' and 'Gatewick' from a loss of privacy.

27. Objections have been received regarding the resultant impact of the proposed development on the amenities of the adjacent residential properties. As already mentioned, the proposals would introduce a much bulkier part 2/part 3 storey development, albeit on land at a lower ground level, but extending approx. 19 metres beyond the rear elevation of 'Peewit Castle'. The proposals comprise windows serving non-habitable rooms in the south elevation in order to mitigate against any undue loss of privacy to 'Peewit Castle' but oblique views into the private garden of 4 Hillfield Road would result from the east facing 1st floor bedroom window of Flat No. 6. Despite the drop in ground level the proposed development would be unduly obtrusive as viewed from 'Peewit Castle', 'Gatewick' and 4 Hillfield Road due to its height and length, and due to its close proximity to their shared boundaries.

28. Objections have been received pertaining to noise nuisance and there would be a change in the proposed use of the site, but given the potential use of the former public house on this site, there would be no justifiable reason for refusal on noise nuisance grounds.

29. Given the foregoing, these amended proposals would still conflict with Local Plan policies GC1 and GC3.

Affordable Housing

30. The NPPF states that affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas. This site is not within a designated rural area and the NPPF defines 'Major development' for housing, as development where 10 or more homes will be provided or the site has an area of 0.5 hectares or more. Given that there is concern that these proposals for 6 x one bedroom units and 1 x two bedroom unit comprises an overdevelopment of this site, it would not be reasonable to require any affordable housing contribution.

Car Parking and Highways

31. These proposals comprise 6 x one bedroom and 1 x two bedroom unit with 10 parking spaces to be provided. The Council's adopted parking standards would therefore require 2 spaces per unit, totalling the provision of 14 on-site spaces. The emerging Draft Local Plan parking standards would require 1.5 spaces per one bedroom unit, equalling 9 spaces for the one bedroom units and 2 spaces for the two bedroom unit - 11 spaces plus a further 2 spaces for visitors - resulting in a total requirement for 13 spaces.

32. Given the guidance of the NPPF and given the limited amount of parking for the former public house, it is considered that it would be difficult to raise objection to the proposed provision of 10 spaces, comprising 1 space per one bedroom residential unit, 2 spaces for the two bedroom unit and 2 extra spaces for visitors. However, the Buckinghamshire County Council Highways Authority has objected to the proposals on the basis that the proposed parking layout would partially block the use of the existing access, which could lead to

delays to vehicles seeking to enter the site from the public highway causing nuisance and potential danger. Cycle storage for 7 vehicles is also proposed, which is less than that required by the emerging parking standards but given that policy is not yet adopted, the provision of 1 space per unit could not justify a reason for refusal.

33. The Highways Authority has objected to these proposals on the grounds that visibility to the east of the proposed access is substandard and could not be provided on land within the ownership of the applicant and would be likely to lead to danger and inconvenience to users of the newly proposed access and/or highway users on Copthall Lane.

34. Representations have been received commenting that insufficient consideration has been given to the fact that the nature of traffic movements from a public house is materially different to those from a proposed residential development. The Highways Authority have stated that it would be difficult to sustain a reason for refusal on those grounds given the evidence of the TRICS database regarding the existing access and given that potentially public houses can now be open from early in the morning until late at night.

35. As such, the proposals are contrary to policies TR2, TR3 and TR17 of the adopted Local Plan and the aims of Buckinghamshire's Local Transport Plan 4 and the BCC Highways Development Management Guidance document (adopted July 2018) and the emerging Local Plan.

Ecology

36. This site lies within a Biodiversity Opportunity Area and there are mature trees and vegetation along the southern boundary of the site in addition to those potentially within the former historic building, which may have been inhabited by protected species including bats. However, the former public house has already been demolished and the applicant and agent were informed of the potential for roosts within the historic building. In any event, the Council's Ecology expert is now satisfied providing a condition and informative can be imposed in the event of planning permission being granted.

Trees and Landscaping

37. As already stated, the proposals include insufficient opportunity to soften the resultant impact of the proposed development by way of soft landscaping.

Sustainable Energy

38. Although the proposals comprise less than 10 dwellings, no attempt has been demonstrated to incorporate any sustainable energy strategies.

Other Issues

39. Environmental Health has raised no objection in principle subject to the reporting of unexpected contamination.

40. An area for the siting of refuse and recycling bins has been annotated and that could be secured by way of condition.

Working with the applicant

41. 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.

42. 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.

43. In this case, the applicant did not utilise the Council's pre-application advice service.

Human Rights

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

RECOMMENDATION

45. Given the foregoing, this application is considered unacceptable and is recommended for refusal.

RECOMMENDATION: Refuse permission

For the following reasons:-

1 The proposed development would be of a scale, design and layout that is out of keeping with the character of this stretch of Copthall Lane, which lies within an area identified within the Council's Townscape Character Assessment as comprising Green Suburban Roads, by virtue of the spread and height of built development, the extent of hardsurfacing and the limited extent of the depth of the proposed rear amenity area and the inability to provide soft landscaping to soften views of the proposed development from Copthall Lane and land to the south. Consequently, the proposed development would adversely affect the character and appearance of the area and is contrary to Policies GC1, H3, H12 and GC4 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, Policy CS20 of The Core Strategy for Chiltern District, Adopted November 2011 and policy DM DP13 of the emerging Chiltern and South Bucks District Local Plan.

2 The proposed development would have an over-dominating visual effect upon the occupiers of the adjoining dwellings 'Peewit Castle', 'Gatewick' and 4 Hillfield Road, by reason of its height, bulk, and length, and the east facing windows proposed at first floor level would lead to an increased level of overlooking to 4 Hillfield Road and its important rear garden. As such, the proposals are contrary to policies GC1 and GC3 of the Chiltern District Local Plan adopted 1 September, 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and policy DM DP13 of the emerging Chiltern and South Bucks District Local Plan 2036.

3 The amended access serving the site is inadequate by reasons of its width to serve the proposed development with safety and convenience and would conflict with the proposed car parking layout. The development is therefore contrary to the aims of Buckinghamshire's Local Transport Plan 4, the National Planning Policy Framework and Saved Policies TR2, TR3 and TR16 of the Chiltern District Local Plan adopted 1 September, 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, and policy DM CP3 of the emerging Chiltern and South Bucks District Local Plan 2036.

4 The proposed access is at a point where visibility is substandard and would lead to danger and inconvenience to people using it and to highway users in general. The development is contrary to the National Planning Policy Framework, the aims of Buckinghamshire's Local Transport Plan 4 and the Buckinghamshire County Council Highways Development Management Guidance document (adopted July 2018) and 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.

The End