



Planning Committee

Thursday, 6 February 2020 at 6.00 pm

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

A G E N D A

Item

- 1 Evacuation Procedure
- 2 Minutes (*Pages 1 - 2*)

To approve the minutes of the Planning Committee held on 9 January 2020.
- 3 Apologies for Absence
- 4 Declarations of Interest
- 5 Tree Preservation Orders
 - 5.1 Tree Preservation Order No 9 of 2019 - Land at Little Missenden Church of England School, Village Road, Little Missenden HP7 0RA
 - 5.2 Tree Preservation Order No. 11 of 2019 - Land at Fairlawns, Coleshill Lane, Winchmore Hill, HP7 0NT
- 6 Items for Noting
 - 6.1 Appeal Decisions
 - 6.2 Prior Approval Not Needed
 - 6.3 Withdrawn Applications
 - 6.4 Information Regarding Planning Applications to be Determined

7 Reports on Local Authority List of Applications

Amersham

PL/20/0095/AV

Ward: Amersham On The Hill

Page No: 2

Proposal: Non Illuminated stainless steel sign displaying the wording "Buckinghamshire Council", plus logo, to be affixed to external wall of building.

Recommendation: Conditional consent

King George V House, King George V Road, Amersham, Buckinghamshire HP6 5AW

8 Report on Main List of Applications (*Pages 3 - 98*)

Chalfont St Peter

PL/19/0173/FA

Ward: Austenwood

Page No: 2

Recommendation: Conditional Permission

Gerrards Cross Tennis Club, Bull Lane, Chalfont St Peter, Buckinghamshire SL9 8RN

Chesham

PL/19/3006/FA

Ward: Asheridge Vale And
Lowndes

Page No: 19

Recommendation: Conditional Permission

Land at Rear of and adjacent to 212 Chartridge Lane, Chesham, Buckinghamshire HP5 2SF

9 Exclusion of the Public (if required)

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

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

Membership: Planning Committee

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

Date of next meeting – Thursday, 5 March 2020

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CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the PLANNING COMMITTEE held on 9 JANUARY 2020

PRESENT: Councillor D Phillips - Chairman
" J MacBean - Vice Chairman

Councillors: J Burton
J Gladwin
P Jones
C Wertheim

APOLOGIES FOR ABSENCE were received from Councillors M Harrold, C Jones, S Patel, N Rose, J Rush, M Titterington and J Waters

ALSO IN ATTENDANCE: Councillor L Smith

95 MINUTES

The Minutes of the meeting of the Planning Committee held on 16 December 2019, copies of which had been previously circulated, were approved by the Committee and signed by the Chairman as a correct record.

96 DECLARATIONS OF INTEREST

There were no declarations of interest.

97 ITEMS FOR NOTING

RESOLVED -

- 1. That the reports be noted.**
- 2. That it was noted that Appeal Decision APP/X0415/C/18/3204017 had been dismissed but the period of compliance was extended to 12 months. It was agreed that the Enforcement team should be proactive to ensure compliance within this time period.**

98 REPORT ON MAIN LIST OF APPLICATIONS

RESOLVED -

- 1. That the planning applications be determined in the manner**

indicated below.

2. **That the Acting Chief Executive be authorised to include in the decision notices such Planning Conditions and reasons for approval, or reasons for refusal as appropriate, bearing in mind the recommendations in the officer's report and the Committee discussion.**

APPLICATIONS

PL/19/2296/FA

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

Speaking for the Parish Council, Councillor Tony Shinner
Speaking for the objectors, Ken Evans
Speaking as the local Member, Councillor Linda Smith

RESOLVED

Permission Refused for the 4 reasons set out in the report with changes and additions as follows:

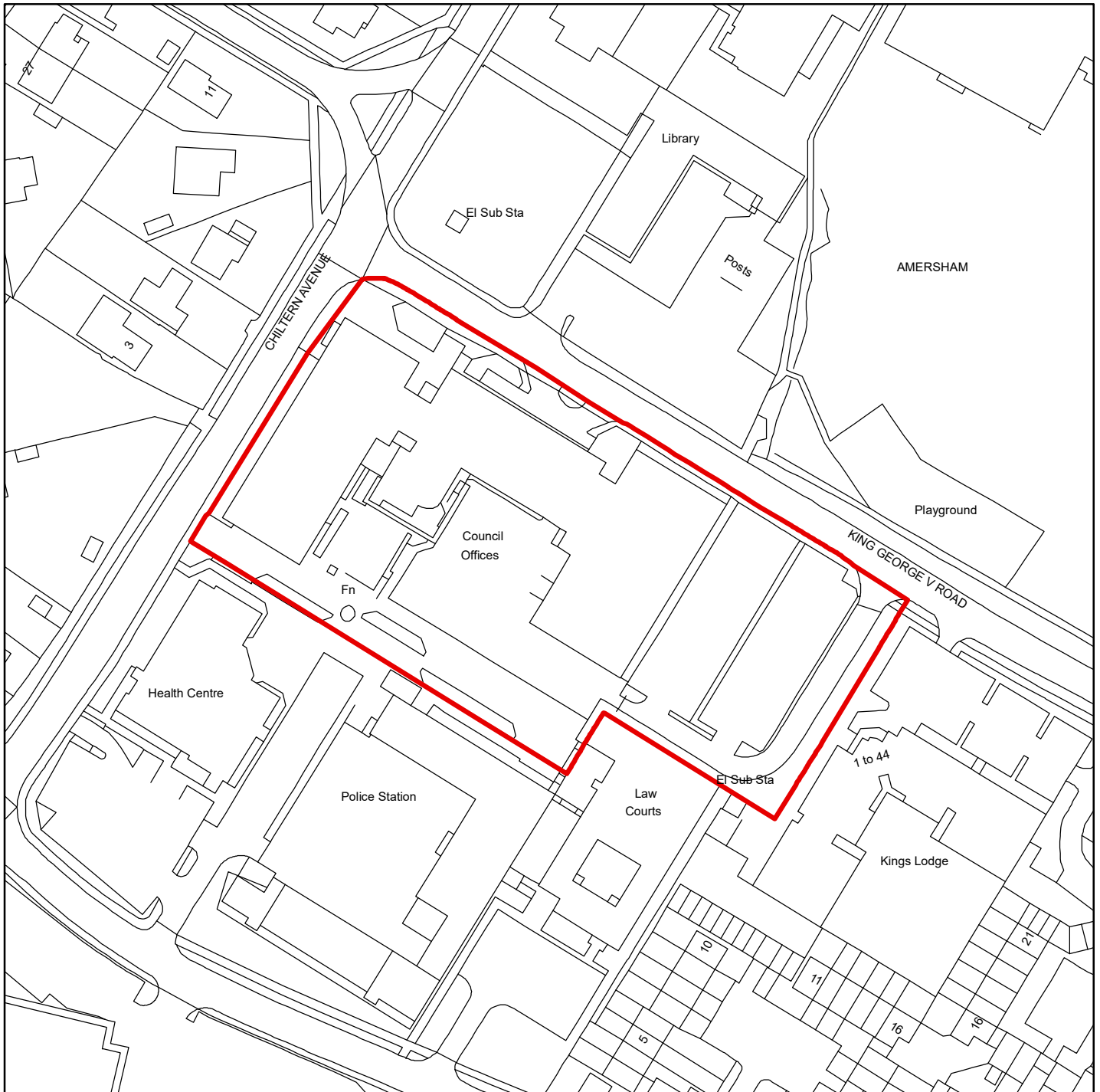
1. Reason 1 - addition of the loss of planting and hedgerow.
2. Reason 2 - removal of "visual effect" and replacement with "overbearing".
3. Additional reason based on inadequate amenity space.
4. Additional reason as Chiltern Parking Standards not met.

The meeting ended at 6.33 pm



PL/20/0095/FA

King George V House, King George V Road, Amersham
Buckinghamshire HP6 5AW



Scale: 1:1,250

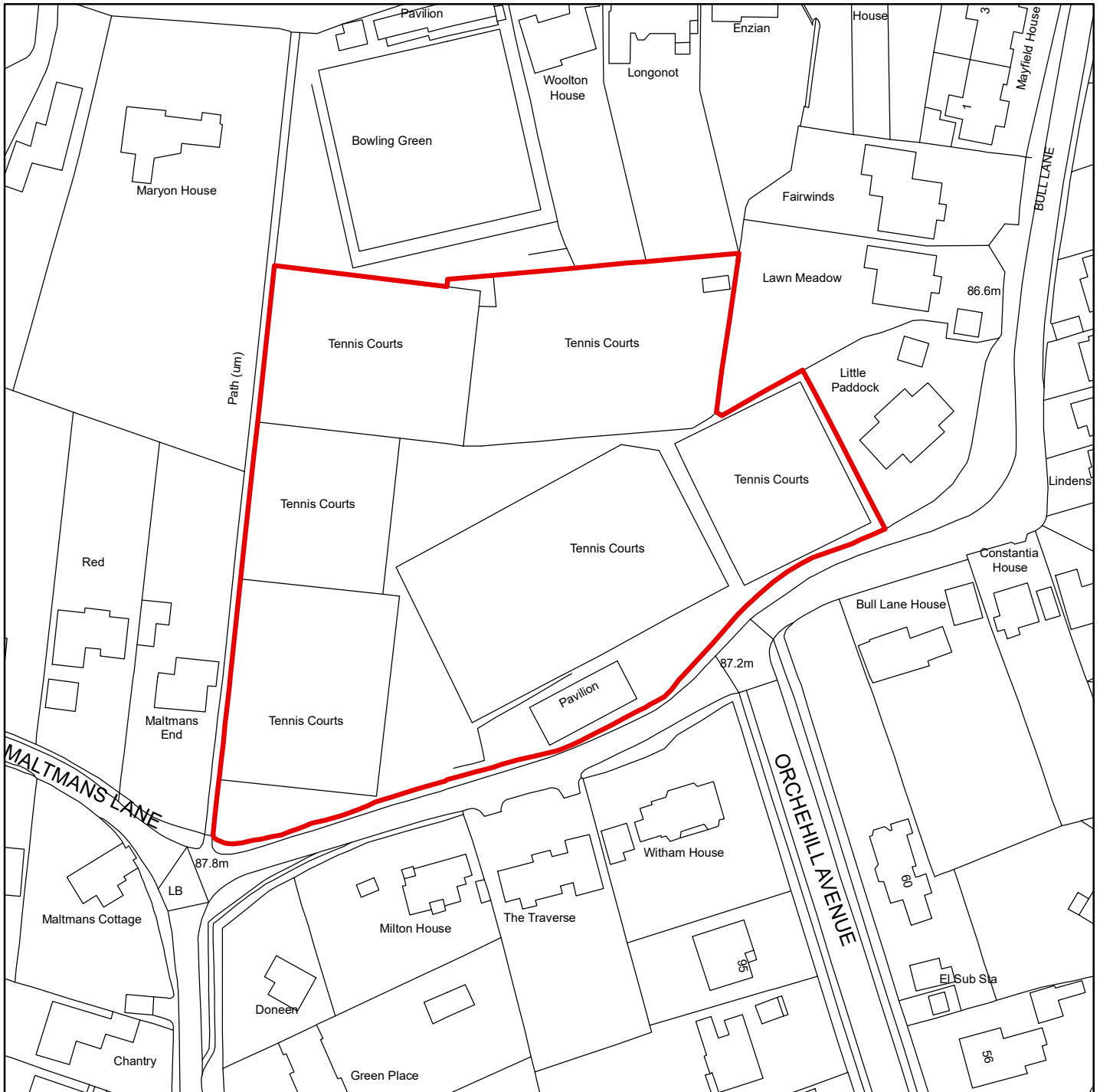
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Organisation	Chiltern District Council
Department	Planning & Environment
Comments	
Date	
SLA Number	100033578.2016



PL/19/0173/FA

Gerrards Cross Tennis Club, Bull Lane, Chalfont St Peter
Buckinghamshire SL9 8RN



Scale: 1:1,250

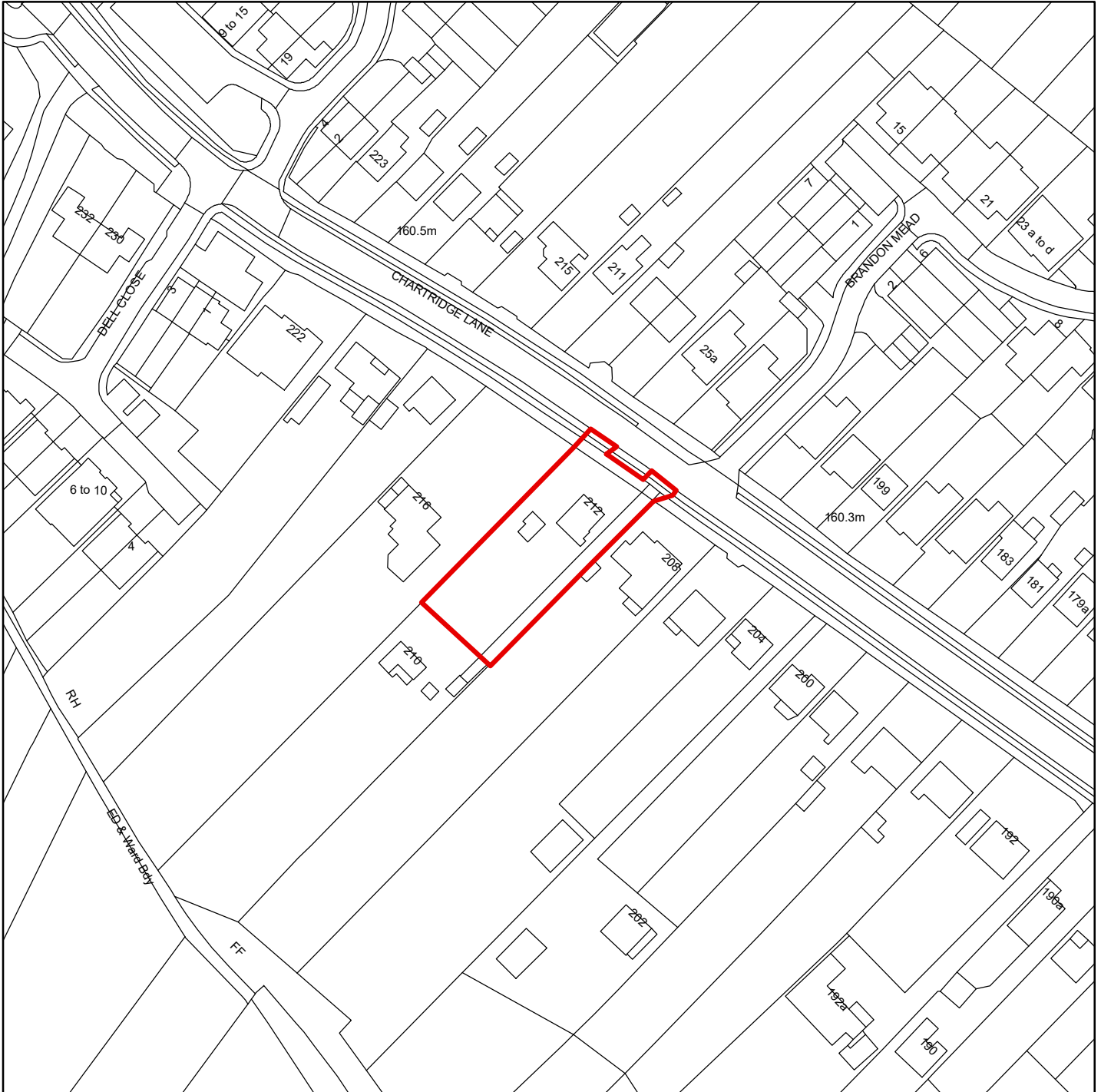
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Organisation	Chiltern District Council
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Comments	
Date	
SLA Number	100033578.2016



PL/19/3006/FA

Land at Rear Of and Adjacent To 212 Chartridge Lane, Chesham
Buckinghamshire HP5 2SF



Scale: 1:1,250

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Comments	
Date	
SLA Number	100033578.2016

PLANNING COMMITTEE – 6 February 2020

REPORT OF THE OFFICERS

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

AGENDA ITEM NO. 5

5 TREE PRESERVATION ORDERS

5.1 TREE PRESERVATION ORDER NO. 9 OF 2019

LAND AT LITTLE MISSENDEN CHURCH OF ENGLAND SCHOOL, VILLAGE ROAD,
LITTLE MISSENDEN HP7 0RA

Contact Officer: Keith Musgrave

Matter for consideration

- 5.1.1 The above Tree Preservation Order was made under delegated powers on 20th August 2019 in respect of a lime tree marked T1 on the map attached as **Appendix FP.01**.
- 5.1.2 The Order was made because:
“The lime is an important amenity tree that makes a significant contribution to the character of the area. It is now at risk in connection with a Conservation Area notification for its removal.”
- 5.1.3 A letter of objection, dated 22nd August 2019, has been received from Mrs Jane Elkins, Chair of Governors and there was a meeting between the Tree Officer and a delegation from the school and the Parish Council on 2nd October 2019. This resulted in two further more detailed letters of objection dated 2nd October 2019 from Mrs Elkins and an undated letter received on 11th October 2019 from Little Missenden Parish Council. All three are attached as **Appendix FP.02**.
- 5.1.4 The Council had received a Conservation Area notification PL/19/2380/KA on 9th July 2019 for the felling of a lime tree stating *“excessive shading to class rooms - roots beginning to damage path leading to building and playground”* and a cherry tree stating *“excessive shading to playground - tree now too big for playground - keep shedding debris, deadwood etc.”*. The Officer report stated *“Both the lime and the cherry are large prominent trees but the cherry is beginning to decline with old age and has a limited useful lifespan remaining. The lime tree is causing some shading of the school building and there is some very minor cracking of the path but this is not a trip hazard. It is considered that the lime should be retained and protected by a Tree Preservation Order.”* No Tree Preservation was made on the cherry tree and it has now been felled.
- 5.1.5 The lime tree is about 20m in height and it is situated about 10m to the north of the school building at the edge of a play area. It is a healthy mature tree that has previously been reduced and has an upright balanced shape. It is the only large tree remaining within the centre part of the school grounds and it is prominent in views from the road and some other surrounding viewpoints.
- 5.1.6 The original letter of objection expresses concerns about the tree’s roots and trip hazards, and also about a Diocesan safety review. There is some minor cracking of the tarmac surface of the main access path caused by a root but this is not sufficient to cause a trip

hazard. There are raised roots at the base of the trunk of the tree within the play area that could cause trip hazards but there are also many other potential trip hazards within this area unrelated to the tree including path edging and small posts.

- 5.1.7 The Diocesan report expresses concerns about the cherry tree but in relation to the lime tree it only states that the school considers that the tree has come to the end of its life but quotes no supporting evidence for this.
- 5.1.8 Following the discussions at the site meeting the two more detailed letters of objection mentioned previously were submitted. One point relates to shading of the school building and the build-up of moss on roof. The lime tree is situated about 10m to the north of the building and so could not cause direct shading of the building. There is some moss on the north-facing side of the roof of the school building but this appears to somewhat less on the part of the main roof closest to the tree.
- 5.1.9 It was also stated that the roots of the tree are causing problems with the drains. However, it is generally accepted that tree roots do not usually directly cause cracks in drains but they would nonetheless exploit any cracks that they can find and potentially cause significant problems. Consequently, whether or not the tree was removed it would be advisable to repair the drains to prevent leaks and root access.
- 5.1.10 Both letters make some comments about the extensive discussions at the site meeting. Over the years the Council has allowed the removal of various trees within the school site so that now the only large trees remaining are the lime tree and two trees in the front corner of the site. Many of the points raised were general concerns about shading, roots and tree debris which could apply to any large tree rather than being issues specific to the lime tree. Furthermore, there was a comment that the school would like to cut back the boundary trees if they could. The school emphasised its extensive environment awareness programme and the Tree Officer made a comment that perhaps this could include some reference to trip hazards.
- 5.1.11 Overall it appears that the tree is causing some concerns but these do not appear to be sufficient to justify the removal of the lime tree at the present time. Although there are some other large trees in the vicinity these are generally of poorer quality or poorer health than this lime tree within the school grounds.
- 5.1.12 The Council received a planning application, PL/19/4312/FA, for the construction of a single storey nursery building at the school on 12th December 2019 and this was made valid on 14th January 2020 following the submission of further information. This proposes a building of 7.7m by 4.3m situated within the play area between the lime tree and the road boundary of the site. The Design and Access Statement for the proposal shows the loss of a group of small trees in this location. The submitted Base & Build Details document refers to two trees close to the proposed building. These are shown as the lime tree and also the cherry tree removed under the Conservation Area notification PL/19/2380/KA, indicating that the report was written before this work took place. The plans show the retention of the lime tree but the Council's assessment of the impact of the proposal on the tree will be considered at a later stage as part of the evaluation of the planning application. There was no mention of this proposal in any of the letters of objection or at the site meeting at the school.

- 5.1.13 In summary, the lime is an important amenity tree that makes a significant contribution to the character of the area. It appears to be in good health and has considerable potential to provide amenity benefits for many years in the future. Consequently, it is recommended that the Order should be confirmed without modification.

RECOMMENDATION

That the Tree Preservation Order No. 9 of 2019 made on 20th August 2019 be confirmed without modification.

5.2 TREE PRESERVATION ORDER NO. 11 OF 2019 LAND AT FAIRLAWNS, COLESHILL LANE, WINCHMORE HILL HP7 0NT *Contact Officer: Keith Musgrave*

Matter for consideration

- 5.2.1 The above Tree Preservation Order was made under delegated powers on 4th September 2019 in respect of an oak tree marked T1 on the map attached as **Appendix FP.03**.
- 5.2.2 The Order was made because:
"The oak is an important amenity tree that makes a significant contribution to the character of the area. It may now be at risk in connection with extensions to the existing house."
- 5.2.3 A letter of objection, dated 25th September 2019, has been received from DAC Beachcroft in respect of an ongoing claim for subsidence damage at the adjacent property, Webbers Cottage, which is alleged to have been caused by the oak tree. This is attached as **Appendix FP.04**.
- 5.2.4 The Council had received a request for a Tree Preservation Order on the oak tree describing it as a very old tree, which is a very healthy specimen and a significant feature of the road. There was no mention of a subsidence issue.
- 5.2.5 The oak is a large old tree growing on a bank on the front boundary of Fairlawns. It is a healthy mature tree that has previously been reduced and has a fairly full crown. There are several large roadside oaks in this part of Coleshill Lane and two of these trees have previously been protected by Tree Preservation Orders. Permission was granted for various extensions at Fairlawns, including a replacement attached garage at the front, under CH/2016/0069/FA, and this work is now substantially complete.
- 5.2.6 The letter of objection presents evidence about the alleged subsidence problems at Webbers Cottage. This states that Webbers Cottage was built about 1900, has shallow foundations about 400mm deep and that live oak roots have been found under the foundations. The soil below the foundations contains shrinkable clay but at a depth of about 2.4m there is mainly chalk. Cracking damage has been identified around two windows and in two second floor bedrooms. There has been monitoring of the cracks over a period of two years and this appears to show that there has been seasonal movement. The report states that the diagonal aspect of the cracks, together with the fact that they increase in width with height is indicative of subsidence as a result of the shrinkage of the

clay subsoil due to the moisture extracting influence of the nearby oak. It concludes that the oak is causing subsidence damage to the property and that it should be removed. This would allow the property to stabilise and for repairs to take place.

- 5.2.7 However the evidence presented is not completely convincing. Firstly, in most cases of subsidence damage related to trees there is an obvious pattern of cracking with the part of building closest to the tree or trees concerned rotating downwards towards the tree or trees. In this case the pattern of the cracking is not obvious externally on the building and may be partially obscured by the render covering. Secondly, a clay soil would normally be at its driest in late summer and at its wettest in late winter/early spring. Therefore, the size of subsidence-related cracks should follow this same pattern with the cracking increasing to a maximum in late summer. However, in this case the size of the cracks appears to be at its maximum level in January to May and at its minimum level in August to October, which does not appear to be consistent with subsidence damage related to a tree and may indicate that there is some other factor affecting the movement. Furthermore, subsidence damage would not normally occur over shallow chalk, although in this case the chalk is fairly deep and covered with some clay. Another possible influence on the situation could be the recent building work at Fairlawns. The replacement front garage extension has required deep foundations and this is likely to have involved some root cutting. Consequently, it is possible that this work may have affected the movement of Webbers Cottage in some way, whereas the monitoring work has taken place mainly before this construction and would not take account of the work.
- 5.2.8 If the Tree Preservation Order is confirmed, it is likely that there would be an application at some time in the future to fell the oak tree on the grounds that it is causing subsidence damage to Webbers Cottage. If this presents convincing evidence that the tree is the main cause of the damage and the application is refused consent, there could be a claim for compensation from the applicant for the additional costs involved in repairing the damage.
- 5.2.9 At the present time it appears that it is possible that the oak tree could be affecting the cracking at Webbers Cottage but the evidence is not completely convincing. However, the oak is an important amenity tree that is prominent in the street scene. In these circumstances it is considered that the Tree Preservation Order should be confirmed without modification and that the retention of the tree should be reconsidered if there is an application to fell the tree, which would be based on the quality of the evidence submitted at that time.

RECOMMENDATION

That the Tree Preservation Order No. 11 of 2019 made on 4th September 2019 be confirmed without modification.

AGENDA ITEM NO. 6

6 ITEMS FOR NOTING

6.1 APPEAL DECISIONS

CH/2017/1552/FA - Redevelopment of site incorporating a two storey extension to each of two existing dwellings, construction of four additional dwellings with associated car

ports, parking, landscaping and alterations to existing vehicular access, 274 & 274A Chartridge Lane, **Chesham**
Officer Recommendation: Refuse Permission
Appeal Decision: Appeal Dismissed (20.12.2019)

PL/18/4107/FA - Demolition of existing dwellings. Erection of six dwelling houses and open fronted carports. Alterations to vehicular access, 274 & 274A Chartridge Lane, **Chesham**
Officer Recommendation: Conditional Permission
Committee Decision: Refuse Permission
Appeal Decision: Appeal Allowed (20.12.2019)

6.2 PRIOR APPROVAL NOT NEEDED

PL/19/3598/PNR - Prior Notification under Class M of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Change of Use of shop (Use Class A1) to one residential units (Use Class C3), 23 Rickmansworth Lane, **Chalfont St Peter**

PL/19/3841/PNE - Notification under The Town and Country Planning (General Permitted Development) Order 2015, Part 1 of Schedule 2 Class A 4 for: Single storey rear extension (depth from rear wall 4.1m, maximum height 3.1m, eaves height 2.375m), 7 Eleanor Road, **Chalfont St Peter**

6.3 WITHDRAWN APPLICATIONS

PL/18/2066/FA - Demolition of existing buildings, erection of three blocks containing 91 dwellings, associated vehicular access, car parking, landscaping and engineering works, Global Infusion Court, Preston Hill, **Chesham**

PL/19/2482/FA - Replacement front porch, Eghams Farm, Forty Green Road, **Knotty Green**

PL/19/2483/HB – Listed Building Consent for replacement front porch, Eghams Farm, Forty Green Road, **Knotty Green**

PL/19/2791/PPR3 - Install a boardwalk made from recycled plastic material along the route of an existing informal footpath through Snells Wood from the car park to the access road to Dr Challoners High School, Snells Wood, Cokes Lane, **Little Chalfont**

PL/19/3087/SA - Certificate of Lawfulness for proposed temporary storage container to rear of shop, First Floor Carpets, 14 Market Place, **Chalfont St Peter**

PL/19/3856/VRC - Variation of Condition 5 of planning permission CH/2016/0034/FA (Replacement of existing garaging with combined garage store and ancillary space, new retaining wall) - to allow changes to the proposed foundation for the new outbuilding, Holly Mount, Penn Road, **Knotty Green**

PL/19/4024/SA – Certificate of Lawfulness for proposed single storey rear extension, Penrhiw, 49 School Lane, **Chalfont St Peter**

PL/19/4045/SA - Certificate of Lawfulness for proposed rear outbuilding, 13 Eghams Wood Road, **Knotty Green**

PL/19/4119/AGN - Notification of agricultural or forestry development under Schedule 2,

Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for: Two barns for storing farming machinery, Middle Field, Land at White End Park Farm, Ashridge Lane, **Ley Hill**

6.4 INFORMATION REGARDING PLANNING APPLICATIONS TO BE DETERMINED

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

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

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

AGENDA ITEM No. 7

7 REPORTS ON LOCAL AUTHORITY LIST OF APPLICATIONS

AGENDA ITEM No. 8

8 REPORTS ON MAIN LIST OF APPLICATIONS

AGENDA ITEM No. 9

9 EXCLUSION OF THE PUBLIC

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

Classification: OFFICIAL

CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 6th February 2020

INDEX TO APPLICATIONS ON LOCAL AUTHORITY LIST OF REPORT

Amersham

PL/20/0095/AV

Ward: Amersham On The Hill

Page No: 2

Proposal: Non Illuminated stainless steel sign displaying the wording "Buckinghamshire Council", plus logo, to be affixed to external wall of building.

Recommendation: Conditional consent

King George V House, King George V Road, Amersham, Buckinghamshire HP6 5AW

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Local Authority List of Applications 6th February 2020

PL/20/0095/AV

Case Officer: Mark Aughterlony
Date Received: 10.01.2020
Parish: Amersham
App Type: Advert
Proposal: Non Illuminated stainless steel sign displaying the wording "Buckinghamshire Council", plus logo, to be affixed to external wall of building.
Location: King George V House
King George V Road
Amersham
Buckinghamshire
HP6 5AW
Applicant: Mr Jago Bolduc

Decide by Date: 06.03.2020
Ward: Amersham On The Hill

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Community Assets/ CDC Owned Land
North South Line
Strategic Flood Risk Assessment Area of Critical Drainage Nov 2018
Within 500m of Site of Importance for Nature Conservation NC1
Townscape Character
Thames Groundwater Protection Zone GC9
Area for Business, Storage, Distribution

CALL IN

The application is made by the Buckinghamshire Council on land that is owned by Chiltern District Council.

SITE LOCATION

The application site relates to the CDC offices located on the junction of King George V Road and Chiltern Avenue. To the immediate north, on the opposite side of King George V Road, is the site of the new leisure centre; to the east, at the rear of the building is associated open parking; to the south and south-west are the police station and health centre respectively whilst to the east, on the other side of Chiltern Avenue are residential properties.

Classification: OFFICIAL

Whilst the building has two main road frontages the only form of current CDC signage is in the form of a free standing sign close to the junction of the two roads. No other external signage adorns the building.

THE APPLICATION

The application seeks advertisement consent for the display of a non-illuminated sign on the King George V Road elevation of the building in respect of the new Buckinghamshire Council. The sign would measure 4.87m by 1.1m and would comprise the wording 'Buckinghamshire Council' and the new logo. It would be made of brushed stainless steel, would be situated to the left hand side of the existing King George V Road entrance and would site between existing ground and first floor windows.

RELEVANT PLANNING HISTORY

None directly relevant.

TOWN COUNCIL

Comments from the Town Council are required by 3 February, and will therefore be reported verbally at the meeting.

REPRESENTATIONS

Publicity periods expire on 3 February. Any comments received will therefore be reported verbally at the meeting.

CONSULTATIONS

BCC Highway Authority raise no objection to the signage subject to the imposition of a condition relating to materials.

POLICIES

National Planning Policy Framework (NPPF) - February 2019 - including paragraph 132 relating to advertisements

Core Strategy for Chiltern District - Adopted November 2011 - Policy CS20

The Adopted Chiltern District Local Plan - 1997 (including The Adopted Alterations May 2001 and July 2004) Consolidated September 2007 and November 2011 - Policy GC1

Draft Chiltern & South Bucks Local Plan 2036

EVALUATION

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

Principle of development

2. The application site is located on the edge of the town centre in Amersham.

3. In accordance with the NPPF applications for advertisement consent may be acceptable provided that the signage does not have a detrimental impact on the amenities of the locality or public safety.

4. As referred to above, existing low key signage for the Council offices is currently in the form of a non-illuminated free standing sign located close to the junction of King George V Road and Chiltern Avenue. By virtue of the fact that Chiltern District Council will cease to exist after 1 April 2020 this signage will ultimately be removed.

Classification: OFFICIAL

5. The principle of well designed, low key non-illuminated signage indicating the presence of the District Council is therefore long established.

6. Whilst the new signage would adorn a wall of the existing building, it would replace the existing low key free standing signage with wording and the logo relating to the new Buckinghamshire Council which comes into being on 1 April, 2020.

7. It is considered that the proposed sign would not appear intrusive or alien on the frontage of the Council offices, which are located in a prominent position in the town. The proposed sign is therefore considered to be acceptable, in this location, subject to the normal amenity and highway safety considerations.

Amenity

8. The sign would comply with requirements of Local Plan policy GC1 and Core Strategy policy CS20 whereby it would be located at an acceptable height, below first floor windows and would be constructed of an acceptable material, brushed stainless steel. The sign, whilst attached to the building, would be non-illuminated and sympathetically designed and it is considered therefore that it would not detract from the amenity of the locality.

Highway safety

9. BCC Highway Authority have commented that as the proposed non-illuminated signage to be affixed to the wall of the building it would not interfere with any visibility splays or be positioned within the extent of the publicly maintained highway. No objection is therefore raised subject to the imposition of a condition relating to materials.

Conclusion

10. The proposed non-illuminated sign is considered to accord with relevant policies relating to signage/adverts and guidance contained in the NPPF. As the advertisement consent application relates to the District Council's own premises, if Members are minded to grant Consent it will be necessary for the application to be considered by Full Council.

Working with the applicant

11. 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.

12. 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.

RECOMMENDATION

Subject to the expiry of the publicity periods and the receipt of no new material representations, it is Resolved to recommend the Council grants Advertisement Consent for the sign, subject to the conditions and reasons listed at the end of the report.

Classification: OFFICIAL

RECOMMENDATION: Conditional consent

Subject to the following conditions:-

- 1 This consent is granted for a limited period of five years from the date of this decision notice. At the expiration of this period the advertisement hereby permitted shall be removed from the site, unless a further consent has already been obtained from the Local Planning Authority for its retention.
Reason : To enable the Local Planning Authority to review the effect of this advertisement on its setting in the light of changing circumstances, and to comply with the provisions of Regulation 14 (7) of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
- 2 The following standard conditions contained in Schedule 2 to the above mentioned Regulations:-
 - (1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - (2) No advertisement shall be sited or displayed so as to -
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - (3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - (4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - (5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.Reason: In the interests of amenity and highway safety.C261A Standard Advert Conditions
- 3 The proposed sign shall at no time be finished in or include any retro-reflective materials.
Reason: To avoid undue distraction to motorists.
- 4 AP01 Approved Plans

The End

Classification: OFFICIAL

CHILTERN DISTRICT COUNCIL

PLANNING COMMITTEE - 6th February 2020

INDEX TO APPLICATIONS ON MAIN LIST OF REPORT

Chalfont St Peter

PL/19/0173/FA

Ward: Austenwood

Page No: 2

Proposal: Redevelopment of site with retention/relocation of 14 full size tennis courts and 1 junior tennis court, incorporating fencing, dome and floodlights. Erection of two dwellings with associated landscaping, hardstanding and vehicular access. Provision of new car park for 31 vehicles incorporating vehicular access. Closure of existing car park with retention of pedestrian access. Refurbishment of existing clubhouse including addition of new decking, verandah, rooflights. Pedestrian access and closure of existing pedestrian access. Provision of shed, cycle parking and playground.

Recommendation: Conditional Permission

Gerrards Cross Tennis Club, Bull Lane, Chalfont St Peter, Buckinghamshire SL9 8RN

Chesham

PL/19/3006/FA

Ward: Asheridge Vale And
Lowndes

Page No: 19

Proposal: Two storey rear extension to 212 Chartridge Lane, and the construction of two detached dwellings to land to rear of, and adjacent to 212 Chartridge Lane. Provision of associated vehicular access and amenity space

Recommendation: Conditional Permission

Land at Rear of and adjacent to 212 Chartridge Lane, Chesham, Buckinghamshire HP5 2SF

REPORT OF THE HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Main List of Applications 6th February 2020

PL/19/0173/FA

Case Officer: Margaret Smith
Date Received: 17.01.2019
Parish: Chalfont St Peter
App Type: Full Application
Proposal: Redevelopment of site with retention/relocation of 14 full size tennis courts and 1 junior tennis court, incorporating fencing, dome and floodlights. Erection of two dwellings with associated landscaping, hardstanding and vehicular access. Provision of new car park for 31 vehicles incorporating vehicular access. Closure of existing car park with retention of pedestrian access. Refurbishment of existing clubhouse including addition of new decking, verandah, rooflights. Pedestrian access and closure of existing pedestrian access. Provision of shed, cycle parking and playground.

Location: Gerrards Cross Tennis Club
Bull Lane
Chalfont St Peter
Buckinghamshire
SL9 8RN

Applicant: Gerrards Cross Lawn Tennis Club

Decide by Date: 05.02.2020
Ward: Austenwood

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Adjacent Public Footpaths and Public Rights Of Way
Heathrow Safeguard (over 45m)
Mineral Consultation Area
North South Line
Townscape Character

CALL IN

Councillors Wertheim and Harrold have both requested that this application is referred to the Planning Committee, if the Officers' recommendation is for approval.

SITE LOCATION

The application site lies to the north of Bull Lane outside of the Green Belt and within the settlement area of Chalfont St. Peter. A public footpath runs adjacent to the west boundary of the application site and separating the site from the residential curtilages of 2 detached residential properties known as Maltman's End and Maryon House. To the rear (north) of the application site is the Gerrards Cross Bowling Green and the rear gardens of 3 dwellings and the eastern boundary of the application site is bounded by the rear garden of

Lawn Meadow and abuts the side boundary of another dwelling, Little Paddock. Opposite the application site on the south side of Bull Lane are detached residential properties and the junction with Orchehill Avenue.

The tennis club is long established comprising 17 tennis courts and a mini court for beginners, and has a pavilion and small car park, which is accessed close to the junction of Bull Lane with Maltman's Avenue. Courts 10, 11, 12, 13 and 14 have floodlighting that can operate between 08.00 and 20.30 hrs having been allowed on appeal in 2003 and 2009.

There is a mixed native hedgerow running along much of the road frontage and there are some mature deciduous trees along the frontage and along the eastern and rear boundary of the site.

THE APPLICATION

This application proposes the redevelopment of this site with the rearrangement of 14 full size tennis courts and 1 junior tennis court, with a centrally positioned dome cover over 3 of the courts. The proposed dome would be constructed as a steel framed attached structure covered with a double skinned green PVC membrane and bolted to pad foundations and with a maximum height of 9 metres. The design of the proposed dome allows for panels along the bottom section of membrane on the north and south elevations to be drawn up to allow for ventilation in warmer weather. Five of the uncovered courts would continue to have floodlights but the new floodlights would have an overall height of 8.4 metres, an increase of 1.7 metres, and the courts within the proposed dome would also be lit by lighting within that proposed structure.

There are currently 3 artificial grass courts, 5 clay courts, 2 tarmac and 3 grass courts and these proposals comprise 7 clay courts, 3 grass courts, 1 synthetic grass court, a new junior court, and 3 synthetic courts which would be under the proposed dome.

To finance the proposed sports facilities, the erection of two detached dwellings comprising 6 bedrooms and integral double garages are proposed with associated landscaping, hardstanding and vehicular access from Bull Lane. The bedrooms within the roofspace of the dwelling proposed abutting the tennis courts would have rear dormer windows, whereas the bedrooms within the roofspace of the dwelling abutting Little Paddocks would be served by rooflights only. The amended application proposes a single shared access to these proposed dwellings.

The provision of a new car park for 24 vehicles, including 2 spaces for disabled users, is also proposed incorporating a new vehicular access and circulation space opposite Milton House and The Traverse, Bull Lane and cycle storage facilities are also proposed adjacent to the proposed car park, and a playground is proposed to the east of the clubhouse. The new car park proposed would enable the closure of the existing car park and that existing access would provide a new pedestrian access separate from vehicular manoeuvring. The refurbishment of the existing clubhouse is also proposed introducing rooflights and including the addition of new decking and a verandah with a ramped access.

A permissive path through the site for pedestrians to avoid walking along the road will be re-routed.

RELEVANT PLANNING HISTORY

CH/1991/0763/FA Increase height of netting along side of courts 12 and 14 and behind courts 10, 11 and 12. Conditional Permission.

CH/1992/0341/FA Increase height of netting along side of court 12 and 14 and behind courts 10, 11 and 12. (Variation of condition 2 of planning permission CH/1991/0763/FA). Conditional Permission.

CH/2002/0454/FA Erection of twelve 6.7m high columns containing a total of 18 floodlights to serve courts 10, 11 and 12. Refused. Subsequent appeal allowed.

CH/2009/0949/FA Erection of 12 floodlights of 9 x 6.7 metre high stanchions to serve 2 tennis courts. Refused. Subsequent appeal allowed.

POLICIES

Core Strategy for Chiltern District - Adopted November 2011: Policies CS1, CS4, CS20, CS24, CS25, CS26, CS27, CS28, and CS30.

The Adopted Chiltern Local Plan 1997 (including alterations adopted May 2001) Consolidated September 2007 & November 2011. Saved Policies: GC1, GC2, GC3, GC4, GC7, H3, H11, H12, TR2, TR3, TR11, TR12, TR15, TR16, R2, R3, R6, and NC1.

The emerging Draft Chiltern and South Bucks Local Plan 2036 policies DM DP1, DP5, DP7, DP9, DP10, DP13, DP16, DP18, DP19, DP22, CP1, CP3, and HP4.

OTHER MATERIAL CONSIDERATIONS

National Planning Policy Framework (NPPF). The NPPF promotes social cohesion and inclusion partly by making provision for physical activity. It states that existing sports and recreational land should not be built on unless an assessment has clearly shown the land to be surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current use.

National Planning Practice Guidance (NPPG).

Chalfont St. Peter Neighbourhood Plan

With regard to Leisure, Community Health it states the objective of supporting sports facilities to improve their facilities in a co-ordinated way.

The Chiltern and South Bucks Townscape Character Study

This Townscape Character Study identifies Bull Lane as falling within an area comprising 'Green Suburban Roads'. Furthermore, Bull Lane lies within the Milton Avenue to Austenway Area of Special Character (ASC) with Bull Lane being one of the busiest of the roads. Where the 'Green Suburban Roads' character dominates, properties are predominantly set back a short distance from the road, and there are grass verges in places and thick hedges further enhance the semi-natural, soft feel of the streetscape. The Townscape Character Study also notes that mature trees within front gardens contribute to a semi-rural, 'green' streetscape character, which is, not strongly visually dominated by the adjacent built form.

Identified as a threat to the character of the 'Green Suburban Roads' areas of the ASC is the use of hard surfaces in front gardens, hard boundary treatments and buildings located closer to the boundary, limiting the space for landscape to fully mature.

To summarise, this area has been identified as an Area of Special Character due to its high quality townscape. It is considered particularly vulnerable to change as a result of its low density distinctive pattern of detached and semi-detached houses with a variety of architectural styles set within large garden plots associated with mature vegetation, fronting onto the well-treed green streetscape; and elsewhere the distinctive consistency of architectural styles.

PARISH COUNCIL

Chalfont St. Peter Parish Council

Objection:

'Object strongly: Please refer to all our comments fully stated on the 20th February 2019 No Change!'

'Object, please refer to previous comments stated, Insufficient information given; we are unable to identify the amendments compared to the original supplied.'

'No change to plans. Please refer to previous comments (see below). Strongly object. The Neighbourhood Plan specifically identifies this facility as a facility to be protected, Policy LC1. Three main areas of concern: i) The Dome: Although good to see investment in a sports club, the Dome is too big and intrusive. It will block light from those houses closest to it and be imposing on the surrounding area. It is out of keeping with the area. It does not conform to LTA requirements. It will have a hugely detrimental impact on the Bowling Club as the shade on the green will damage the playing surface meaning that it will be unfit as an international training and host ground as well as unfit for general players, hence a local amenity could be lost. ii) Housing: Concerned that community land is given up for housing. The Neighbourhood Plan states in Policy O1 & figure 7.1 that Open Spaces should be protected. The neighbouring houses could be affected by a loss of light and noise caused by two new large dwellings. The houses themselves have inadequate parking given the footprint, have small amenity space for a 6 bedroom property and are not 2 storey as suggested with bedrooms in the roof - this is misleading. This site is also adjacent to the green belt. iii) Parking/ Access: Additional parking is to be supported but access is on a blind bend so dangerous. Also, the houses are on the bend, which will be hazardous if reversing onto the road. There is still no provision for a pavement for pedestrians making access for non-drivers a hazard.'

REPRESENTATIONS

Letters of objection have been received from the occupiers of more than 100 adjacent properties and some further afield on the following grounds:

- Contrary to Development Plan and protection of existing recreational land
- Lawn Tennis Association (LTA) or Lottery Funding should be sought instead of residential redevelopment of part of the site
- Unsightly and uncharacteristic Design with an absence of detail
- Overbearing and out of character Dome
- The proposed dome is over-specified for a local community use
- The change in the ground level within the proposed Sports Hall and in relation to surrounding properties has not been clearly demonstrated
- The proposed floodlights would exceed the height of the existing floodlights
- Proposed residential development is uncharacteristic of residential development in the vicinity
- The proposed dwellings are too large for their respective plot sizes
- Inadequate garden lengths
- Impact on the rural nature of Bull Lane
- Loss of open rural view and rural character
- Adverse impact on area of special character
- Impact on adjoining properties including loss of view, loss of privacy, obtrusiveness and loss of daylight and sunlight
- Adverse impact on the Gerrards Cross Bowling Club including overshadowing of the green
- Noise nuisance from ventilation equipment within the proposed dome
- Noise nuisance from the proposed car park surfacing
- Glare from lighting within the dome
- Glare from proposed floodlights
- Inconsiderate activities of Tennis Club members resulting in noise, littering, inconsiderate parking and rudeness
- Loss of hedgerows and wildlife habitat

- Loss of mature trees
- Inadequate Accesses at positions with poor visibility
- Increased Traffic on a narrow road with poor visibility, no footpaths and increased manoeuvring
- Safety concerns pertaining to pedestrians from manoeuvring vehicles and the absence of footpaths on Bull Lane
- Insufficient parking for the proposed 6 bedroom dwellings
- Excessive amount of parking for the proposed tennis club
- A gravel surface to the car park would be disadvantageous to any disabled users
- There is no permissive path for public use through the application site and no formal arrangement to guarantee the provision of such a path
- Increased surface water flooding risk
- Lack of public consultation
- Unfair bias to the applicant
- Conflict between providing security and fencing and enabling accessibility
- Lack of details as to any proposed security fencing

Letters of support have also been received from the occupiers of some local properties on the grounds that improved facilities would ensure the sports and recreation facility remains for the benefit of the community.

CONSULTATIONS

Sport England: No objection and comments were as follows:

'In terms of loss of provision, Sport England notes that there will be a net loss of 3no. tennis courts (grass) at the club resulting from a combination of the proposed increased parking; extended pavilion and proposed new dwellings at the site. Sport England has consulted the LTA on the proposals as the relevant national governing body for tennis. The LTA comments that they support the proposal as it will help the club to open tennis up and make the venue more accessible and welcoming going forward. The club have been trying to deliver this project for some time and have been working with the LTA and Buckinghamshire LTA to develop the plans. The LTA comment that the loss of some of the grass court provision is unfortunate, but accept that this will enable the improved car parking arrangements addressing one of the club's main problems in relation to members' access. The LTA comment that they have not been approached for funding support from the club. Conclusion: Sport England considers that while there is a net loss of court provision the proposals will represent an enhancement to the existing facilities, improving access to the facilities and sport throughout the year. The proposal is also supported by the relevant national governing body for tennis, the LTA, who have been working with the club to develop the proposal. On that basis, Sport England considers that the application is broadly consistent with our policy objective 2: enhancement opportunities through better use of existing provision. This being the case, Sport England does not wish to raise an objection to this application.'

Amended Plans: No comments to make.

Refuse and Recycling: Amended Plans - no objection

BCC Highways: No objections in principle subject to imposition of necessary conditions, comments as follows: 'Bull Lane is an unclassified road subject to a speed restriction of 30mph. Within the vicinity of the site, there is no street lighting, nor any pedestrian footways fronting the site. Proposals include the redevelopment of the site to provide enhanced facilities for the tennis club, the erection of two dwellings and the provision of a new car park to serve the site. In terms of trip generation, whilst the proposals would see a reduction in the number of courts on site from 18 to 15, the proposals also seek planning consent for the erection of two dwellings on the site. Having interrogated the TRICS® (Trip Rate Information Computer System) database, I would expect a tennis court to generate in the region of 22 vehicular movements (two-way) per day. As the proposals would result in a reduction of 3 tennis courts associated with the site, the proposals would result in a reduction in 66 two-way movements associated with the tennis facility on site. However, two dwellings are

also proposed on the site. In this location, I would expect a dwelling to generate in the region of 4-6 vehicular movements (two-way) per day. As this is the case, the two dwellings proposed would have the potential to generate in the region of 8-12 vehicular movements (two-way) per day. The provision of two dwellings on the site would not have a material impact on the trip generation, as the site would already lose three tennis courts from the site. A new access is proposed to serve the two dwellings. As Bull Lane is subject to a speed restriction of 30mph, visibility splays of 2.4m x 43m are applicable, commensurate with current Manual for Streets guidance. Having reviewed the plans, and correlated with a plan showing the extent of the publicly maintained highway in this location, I can confirm that these splays are achievable from the access serving the dwellings. In order to maintain these splays however, an area of landscaping/hedging will need to be removed. Within the vicinity of these dwellings, as previously stated, there are no pedestrian footways and therefore any occupants of the site will need to walk/cycle in the road to local amenities. A new car parking area is provided for 38 vehicles, served by a new access from Bull Lane. This access point would also comply with the required 2.4m x 43m in both directions onto Bull Lane, and at its narrowest point measures in excess of 4.8m, which I can confirm is acceptable and would allow for simultaneous two-way flow of vehicles in this location. The spaces provided measure the required 2.4 x 4.8m and would allow for vehicles to park, turn and leave the site in a forward gear, given the 6m distance behind each space. A dedicated pedestrian access is proposed to be provided between the southern corner and the proposed new car park, which would measure 1.5m in width. The Highway Authority acknowledge this provision within the site, I note that as an Authority we would normally ask for a 2m access width. The pedestrian access point will not be adopted by the Highway Authority and therefore I consider that this pedestrian access is of sufficient width to serve the site. A cycle store is provided adjacent to the proposed houses, which comprise of 8 spaces. It is the opinion of the Highway Authority that the location of the proposed cycle store is not appropriate and would not encourage visitors to the site to use sustainable modes of transport to and from the site. I would ask that this cycle store is relocated to an appropriate location within the site such as alongside the pavilion or car park, along with the provision of further cycle parking in the site. I would recommend that for the encouragement of sustainable transport choices a number in the region of 20 cycle spaces would be considered to show a positive commitment to reducing the reliance on private motor vehicles. The application states that the existing permissive route through the site will be maintained to prevent the need for pedestrians walking in the carriageway; however this route has not been clearly shown. I note that there is a footpath that runs along the western boundary to the site, however this is outside of the red edge boundary of the site and therefore cannot be taken into consideration as part of the application. The new pedestrian access leads into the car park adjacent to the vehicular access and would require pedestrians to either walk on the grass through the site, or through the car park, where reversing manoeuvring are likely to be taking place. I would suggest that if the Local Planning Authority find this scheme acceptable, then a suitable condition would be appropriate in order to ensure that an alternative walking route throughout the site is provided, along with some lighting on the footpath to make it more visible/attractive for pedestrians. Mindful of the above, I have no objection to the proposals, subject to the following conditions being included on any planning consent that you may grant.'

Amended Plans: 'I note from the amended plans that the width of the public footpath has been increased to 2m, which I can confirm is acceptable. Along with previous recommendation to encourage sustainable transport, I note the number of cycle parking spaces has doubled from 8 to 16 and has been relocated to a more appropriate place. I am satisfied that this increase portrays a positive commitment to reducing the reliance on private motor vehicles. However, concerns still remain in regards to the route pedestrians would have to take from the pedestrian access to the facilities on site, either across the car park or the grass, as a designated route has not been stipulated on the amended plans. Therefore, I repeat the previous suggestion: If the Local Planning Authority find this scheme acceptable, then a suitable condition would be appropriate in order to ensure that an alternative walking route throughout the site is provided, along with some lighting on the footpath to make it more visible/attractive for pedestrians. Nevertheless, I have no objection to the proposals, subject to the following conditions, as previously stipulated, being included on any planning permission you may grant.'

BCC Sustainable Drainage (SuDs): Objection - the proposed development would increase the impermeable surface area and so the additional surface area runoff must be managed.

Ecological Advisor: No objection in principle subject to the imposition of conditions securing ecological enhancement and protecting wildlife during works.

Arboricultural Officer: Objection 'Overall I am concerned about the potential loss of most of the hedgerow along the Bull Lane frontage adjacent to the application site and the effect that this would have on the character of the area. In addition I am concerned about the possible loss of the two limes and the sweet chestnut depending on the exact visibility requirement for the access to Plot B. However if the application is approved, the development should follow the tree protection measures proposed in the submitted tree report.'

Strategic Access Officer: No objection subject to assurances from the applicant that the dome's roof drainage system would not result in water being deposited onto the surface of the public footpath.

Thames Valley Police: Security fencing should be provided to enclose the site to avoid illegitimate entry and there should be on-site surveillance and privacy within changing rooms.

Environmental Health (Contaminated Land): No objection subject to the imposition of conditions pertaining to any contamination.

Thames Water: No objection in principle.

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

Building Control (Access for the Disabled): No response at time of drafting report.

EVALUATION

Site constraints and principle of development

1. This amended application proposes the siting of a 34.5 metre x 45 metre dome centrally positioned on the Tennis Club application site to cover 3 tennis courts. The proposed dome would have an overall height of 9 metres. This substantial structure is now proposed to be sited at a distance of about 19.5 metres from the west boundary of the application site along which runs a public footpath and beyond which are the residential curtilages of Maryon House and Maltmans End. The south-east elevation of the proposed dome would be at a distance of between 32 metres and 54 metres from the site frontage facing Bull Lane. The proposed dome would be viewed beyond and in the context of other uncovered tennis courts, the proposed car park accommodating 24 car parking spaces and the proposed, refurbished pavilion. The application also proposes the erection of 2 x 6 bedroom dwellings in order to finance the proposed development and the proposed rearrangement of the tennis courts would result in the loss of 3 courts and the loss of existing recreational land.

2. Objections have been received to the proposed loss of recreational land contrary to policy R2 of the adopted Local Plan. Policy R2 only allows for the loss of any existing sports facility to a non-sports use in specified circumstances. The exceptions are when the applicant demonstrates that there is no continuing community need for the facility and it is not possible to use the facility for other sports or where alternative provision of at least an equivalent size, suitability and convenience is made and other development plan policies are satisfied. Consequently this proposed development is contrary to that policy and material considerations need to be demonstrated that outweigh this.

3. It is also necessary to assess this proposed loss in the context of the NPPF, which states that existing sports and recreational land should not be built on unless an assessment has clearly shown the land to be surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current use. In this context Policy DM HP4 of the Draft Local Plan states that redevelopment of land last used for sport will be granted if they are no longer required or if the development involves a new facility which would be at least equal in quality and quantity to the existing use.

4. This application does not propose the replacement of this land by equivalent or better provision in terms of quantity and quality in a suitable location, but it could be argued that although it proposes the replacement of the 17 existing full size tennis courts with 14 full size tennis courts, 3 of the tennis courts would be usable throughout the year regardless of weather conditions, arguably a better quality of facility for this long established Tennis Club that may justify the loss of the 3 tennis courts and the proposed residential redevelopment on part of the site. Although there have been criticisms that the proposed dome exceeds what is necessary to enhance the attractiveness of this Tennis Club, this application has been prompted by a need to upgrade the existing facilities as set out in the supportive statements and, to that extent, is supported by Sport England.

5. The need to finance the upgrading of the existing facilities to secure the continuation of the sports facility is a material consideration and evidence has been submitted in this connection. Some of the objections received refer to the option of securing Lottery Club funding, however, the decision of the tennis club to lose some of its land appears to be as a result of the need to self-finance this project and it is the merits or otherwise of this application that need to be considered.

6. The District Council had refused the application under ref. no. CH/2009/0949/FA for the erection of floodlighting at Courts 13 and 14 on amenity grounds and the Inspector considered that in that case it was necessary to balance the proposed increase opportunities to play sport against the impacts of the proposed floodlighting on neighbouring residential amenities. Given that Inspector's position, it could be argued that the improved tennis courts and the introduction of 3 all-weather covered pitches, in addition to the improved ancillary facilities is a material consideration that tips the balance in favour of allowing the loss of part of this site for residential redevelopment, which would in itself contribute 2 dwellings to help meet the Council's Housing requirement.

Character and Appearance of the Locality

7. This site lies within an Area of Special Character and Bull Lane is identified as being a 'Green Suburban Road' characterised by grass verges, thick hedges and mature trees enhancing the semi-natural, soft feel of the streetscape. In particular, it is noted that the locality is not strongly visually dominated by built form. Furthermore, the use of hard surfaces in front gardens, hard boundary treatments and buildings located closer to boundaries, limiting the space for landscape to fully mature are identified as threats to this Area of Special Character.

8. The 4 visually most noticeable elements in this application are the proposed dome enclosing 3 tennis courts, the erection of taller floodlights, the erection of 2 x 6 bedroom detached dwellings with their associated shared access, hardsurfaced parking and manoeuvring areas, and the proposed provision of a car park for 24 vehicles with its associated access.

9. The Parish Council and a large number of local residents have objected to the proposed Dome on the grounds of its size. During the course of the consideration of this application, amended plans have been submitted proposing a reduction in the overall height of the proposed Dome to 9 metres and the re-siting of the Dome so that it would be more centrally positioned within the application site, retaining a minimum

distance of between 32 - 54 metres from the south-east elevation of the proposed structure and the frontage of the site and introducing a minimum distance of 19.5 metres between the side elevations of the proposed dome and the west boundary of the site beyond which is a public footpath and then the nearest residential properties to the proposed Dome i.e. Maltman's End and Maryan House.

10. The size of the proposed Dome is such that it be highly visible from the adjacent dwellings and their gardens, the public footpath that runs between the western boundary of the site and the eastern boundaries of Maltman's End and Maryan House, and would be highly visible from public vantage points from Bull Lane. The visibility of the Dome from the public highway would be exacerbated in part by the loss of some frontage vegetation in order to achieve the visibility splays needed to provide a safe access and egress to the proposed car park. However, some new tree planting is proposed either side of the proposed access and within the proposed car park and within the land comprising the existing car park, and this could be conditioned to mitigate against the loss of the existing frontage vegetation. Furthermore, the dome would also be viewed in conjunction with the proposed 3.6m high court fencing that crosses much of this site, the proposed 8.4m high floodlights and the proposed reconfiguration of courts, which results in a net loss of grass courts.

11. The Inspector who allowed the appeal under ref. CH/2009/0949/FA for the erection of floodlighting at Courts 13 and 14 considered that in that case it was necessary to balance the proposed increased opportunities to play sport against the impacts of the proposed floodlighting on neighbouring residential amenities and that is a material consideration. In this case, it is necessary to balance the visual impact of the introduction of the proposed Dome on the views of the adjoining occupiers and from public vantage points with the proposed increased opportunities to play sport on a site that comprises a long established sports facility outside of the Green Belt, and in the context of the demands for more prominent structures to be provided at many sporting establishments and educational facilities in order to provide sporting facilities that meet modern demands.

12. Objections have been received that the application does not give sufficient detail of the design of the dome, but the submissions seem to be sufficient for this planning application. Objections have also been received that there is a change in the ground level on which the proposed dome would be sited, but given the distance of the proposed structure from the boundaries of the site it would be possible to attach a condition in the event of planning permission being forthcoming to precisely stipulate the finished floor level of the proposed dome and its overall height and its relationship with the ground levels at the edges of the site.

12. The application also proposes the introduction of 2 substantial detached dwellings with crown topped roofs on the easternmost portion of the site which currently comprises 2 hard tarmac courts, but which would be noticeable from Bull Lane and the adjacent dwellings and their curtilages. The proposed loss of recreational land is assessed above, but it is also necessary to assess the proposed introduction of the operational development comprising these 2 dwellings.

13. The Townscape Character Study identifies Bull Lane as a 'Green Suburban Road' and it falls within an Area of Special Character (ASC). This road is characterised by grass verges and thick hedges enhancing the semi-natural, soft feel of the streetscape and the front gardens with mature tree planting contribute to a semi-rural, 'green' streetscape character. The proposed dwellings would be noticeably bulkier than the adjacent property 'Little Paddock' but it is pertinent to note that the scale of 'Little Paddock' is no longer characteristic of this locality and it would be difficult to argue that the proposed dwellings are not of sufficient architectural quality. The proposed introduction of these dwellings would result in the introduction of a new shared access and would necessitate the removal of the existing hedging, but there would be the opportunity to provide some replacement landscaping including some tree planting to soften views of the proposed dwellings.

14. Some of the objections received have drawn attention to the fact that the ratio between the proposed building footprints and their curtilages would represent a development of the curtilages that is uncharacteristic of the density of development in this locality. However, the depth of the proposed rear gardens would be similar to that of the triangular rear garden of Little Paddocks and it may again be difficult to sustain a reason for refusal and may be preferable to secure measures to mitigate against a loss of visual amenity by way of conditioning materials and soft landscaping.

15. Objections have also been received regarding the proposed provision of a car park for 24 vehicles with its associated access. The existing car park for this facility is substandard and the access point has poor inter-visibility. In order to achieve acceptable visibility splays for the proposed car park, there would be a loss of existing boundary vegetation, which is one of the features identified as enhancing the semi-natural, soft feel of the streetscape and this element would also introduce additional hardsurfacing that would be visible from the public domain. However, in order to seek to mitigate against this harm to the visual amenities of this Area of Special Character, tree and shrub planting is proposed either side of the proposed access and 5 standard sized trees are proposed within the proposed car park, and the existing car park area would be returned to soft landscaping with the exception of a separate, safer pedestrian access. Given that the proposed location of the larger car park would help alleviate on-street parking and would help introduce a safer facility, it would be difficult to sustain a reason for refusal and it would be preferable to secure measures to mitigate against a loss of visual amenity by way of conditioning the materials for the hardsurfacing and soft landscaping.

16. The proposals also include improvements to the existing clubhouse but these are predominantly proposed to the rear elevation and would be screened from public vantage points.

17. Given the foregoing, no objections are raised regarding the impact of the proposal on the character and appearance of the area.

Amenity of neighbouring properties

18. A number of objections have been received on amenity grounds, covering various aspects of these proposals. With regard to the proposed dome, it is accepted that it would be highly visible from the adjoining properties but its relocation more centrally on this site, means that it would not cause any material loss of sunlight or daylight to any adjoining residential properties and it would no longer cause the over-shadowing of the Bowling Green that is a subject of many of the objections received.

19. Objections have also been received pertaining to glare from proposed lighting within the proposed dome and from the proposed floodlights lighting the external courts. As previously stated, conditional permission has been granted on appeal by 2 Inspectors for floodlighting at 5 of the existing tennis courts having found on balance in favour of improving the sports facilities at the club on the basis that the amenity of neighbouring residents could be protected by the imposition of conditions ensuring that acceptable luminance levels were not exceeded and that the floodlights are only operational between 08.00 hrs to 20.30 hours. In the event of planning permission being forthcoming, restrictive conditions pertaining to the proposed floodlights and the amount of any glare could be imposed as well as conditions limiting any increase in noise from any mechanical equipment, although the dome would not be an inflatable structure.

20. With regard to the proposed dwellings, Unit B would have a rear facing bedroom window at 1st floor level that would introduce angled views into the rear garden of Little Paddocks at a distance of about 6 metres, but it would be possible to condition the erection of a projecting privacy screen to overcome any introduction of a loss of privacy. Unit B would also now be at a distance of 15 metres from its rear boundary which abuts the rear of the side boundary of Lawn Meadow, and the amended plans submitted for Unit B comprise only high level rooflights for the 2nd floor rear facing bedroom to preclude any undue loss of privacy. Any side facing windows could be conditioned to be obscure glazed with restrictive opening.

21. Objections have also been received regarding the impact on the amenity of those residential properties opposite the proposed car park from vehicles manoeuvring into and out of the proposed car park and glare from their headlights. However, those dwellings on the south side of Bull Lane, The Traverse, Milton House and Witham House, are set back between 18 - 27 metres from their frontages and there is also an intervening carriageway and vegetation. There is a similar degree of separation between the dwellings opposite the proposed residential access. Given the benefits of a larger proposed car park for the Tennis Club that would alleviate the likelihood of on-street parking and given the benefits of an access with improved visibility, it would not be possible to raise objection to the possibility of some glare being perceived within the dwellings on the opposite side of the road given also their predominantly mature front boundary planting.

22. Objections have also been received regarding noise disturbance from vehicles manoeuvring within the proposed car park but given that those dwellings nearest to the proposed car park are separated by the intervening carriageway of Bull Lane and are set back from their frontages and have mature front boundary planting, it would not be possible to substantiate a reason for refusal on that basis.

23. It is regrettable that some objectors have apparently experienced littering and un-neighbourliness from existing Tennis Club members, but such objections are not material planning issues, and littering and anti-social behaviour are matters for highways and police enforcement.

24. One of the neighbouring land uses is a bowls club (to the north of the site). On the original proposals, the dome may have shadowed the neighbouring bowls green, and representations were received from the bowls club to this effect. That would be a legitimate concern, as it could result in the loss of a neighbouring community and sports facility (i.e. the bowls club), if the green is no longer as suitable for use. However, following these concerns, the proposal has been amended and the dome is now centrally located within the application site. It would not overshadow the bowls green and this concern has been overcome.

Parking and Traffic Generation

25. There is an objection from the Parish Council and local residents to the siting of the proposed access, however, the Highways Authority has raised no objection subject to the imposition of conditions on the basis that the proposed redevelopment would result in fewer vehicular movements and across 2 safer access points than the existing. Furthermore the proposed car park would provide a circulation route enabling vehicles to access and exit more safely in a forward direction and to manoeuvre more easily into the proposed parking spaces. Objections have been received from local residents on safety grounds pertaining to vehicular intensification and pedestrian safety along Bull Lane, however, there would be a reduction in the number of tennis courts and even with the vehicles generated by the 2 dwellings proposed there is no likely intensification in vehicular movements.

26. Furthermore, the proposals include improved visibility splays, although in order to provide acceptable visibility splays, an area of landscaping/hedging would need to be removed. It is also noted that within the vicinity of the proposed dwellings, there are no pedestrian footways and therefore any occupants of those dwellings would need to walk/cycle in the road to local amenities but this would not be a material worsening to the existing situation.

27. Following the initial comments of the Highways Authority a separate pedestrian access to the Sports Facilities is proposed in the position of the existing car park access. Also the proposed cycle store has been located adjacent to the pavilion to encourage the use of that sustainable mode of transport.

28. The application states that the existing permissive route through the site will be maintained to prevent the need for pedestrians walking in the carriageway and this route has now been more clearly shown.

However, in the absence of a formal agreement requiring the maintenance and retention of that annotated route, objections have been received to undue weight being given to it as a perceived benefit.

29. The Council's emerging Draft Car parking standards have been drawn up in the light of the guidance in the NPPF and require 2 spaces per tennis court i.e. 28 spaces for the 14 adult courts. These proposals comprise 24 on-site spaces, however, it would be difficult to defend a reason for refusal on highways grounds, given that although the proposed car park would have a deficit of 4 spaces, it would be laid out to provide ease of accessibility, parking and manoeuvring and it is a material consideration that the existing carpark has a greater deficit for the 34 spaces that would be needed to comply with the Draft standards and it also has poor accessibility and manoeuvring. 1 cycle space per 400 square metres of floorspace is also required in the emerging Draft standards and 16 spaces would be provided in compliance.

30. The proposed surfacing of the proposed car park is shown to be gravel and concerns have been raised that gravel would be disadvantageous to any disabled users, however, the 2 designated parking spaces for disabled users would be at the edge of the car park and it would be possible to condition a greater amount of level hardsurfacing around these spaces.

31. There is sufficient space within the proposed double garages and on the proposed hardsurfacing to the front of each of the proposed dwellings to park and manoeuvre 3 vehicles in accordance with the Council's adopted and emerging parking standards and to park a further vehicle at each dwelling for visitors.

Trees and Landscaping

32. As already stated, there are objections to the proposed loss of hedgerows and mature trees to enable the provision of acceptable visibility splays to enable the improved parking and access facilities. However, as accepted by the Council's Arboricultural Officer, the benefits of the improved access and parking, as well as the improved Tennis Club facility need to be weighed in the balance given that some mitigation is also proposed by way of replacement planting. As such, it would be difficult to sustain a reason for refusal on this basis.

Ecology

33. The Council's Ecological Advisor has raised no objection, despite the proposed loss of hedgerows and trees, subject to their removal being carried out under the auspices of a specialist ecologist outside of the breeding and nesting season for wild birds and any other protected species and conditions may be imposed in this connection.

Other Issues

34. The Bucks County Council SuDs officer has objected to the proposed increase in surfacing exacerbating surface water runoff and has advised that the hardsurfacing proposed to the front of the proposed dwellings must be conditioned to be permeable and that can be proposed in the event of planning permission being forthcoming. However, comments are awaited as to whether or not the attachment of conditions would be sufficient to overcome the objections in this connection.

35. The Council's Refuse and Recycling Officer has raised no objection to the proposals on the basis that the proposed residential dwellings will be able to store waste adjacent to the public highway for collection.

36. Objections have also been received to the absence of details of any proposed security fencing but although the existing tennis courts have perimeter fencing there is no existing all-enclosing security fencing.

37. Objections have been raised to the lack of public consultation prior to the submission of this application, but since its receipt as a formal application, this application has been the subject of extensive public consultation and the amended proposals have taken on board some of the objections received.

38. Objections have also been received to what has been wrongly construed as unfair bias to the applicant by way of allowing amendments to the application to seek to overcome some of the objections raised, however, the NPPF encourages negotiation and the District Council would be criticised in the event of it not appropriately working with the applicant. Furthermore objections have been received on the number of consultations received by residents but, the District Council has merely sought to ensure that all residents have been fully given the opportunity to comment so that all views may be taken into account.

39. The absence of prior public consultation by the applicant is not a reason to refuse this application and there has been thorough public consultation during the life of this application. Although the proposed dome and residential dwellings would be visually noticeable from adjoining properties and the street scene and bowling club, subject to the imposition of conditions including conditions to secure the erection of the dome and the other improvements to the tennis club facilities, these proposals would enable the continuation of the tennis club and would secure parking and visibility improvements and are recommended for approval.

Working with the applicant

40. 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.

41. 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.

42. In this case, Chiltern District Council has worked with the applicant to overcome issues to which potential solutions could be found, accepting amended details throughout the course of the application and re-consulting the necessary consultees. The final details that were considered were regarded as acceptable.

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

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

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

2 No other part of the development shall begin until the new means of access has been sited and laid out in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access within Highway Limits" 2013.

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

3 No other part of the development shall begin until visibility splays have been provided on both sides of the accesses between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the

centre line of the accesses. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

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

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

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

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

- (i) the routing of construction vehicles;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) operating hours;
- (vi) wheel washing facilities.

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

Reason: In the interests of highway safety, convenience of highway users and to protect the amenities of residents and safeguard the visual amenities of the locality.

6 The approved redevelopment of the site for the retention/relocation of 14 full size tennis courts and 1 junior court, incorporating fencing, dome, floodlights, the laying out of a new car park for 24 vehicles and the refurbishment of the existing clubhouse including the addition of new decking, verandah, rooflights, and the provision of a shed, cycle parking and playground shall be substantially completed prior to the initial occupation of either of the 2 dwellings hereby approved.

Reason: To accord with the terms of the submitted application, which advanced that the loss of recreational land to facilitate the construction of two Class C3 dwellings is required to finance the approved redevelopment of the site and to ensure the timely implementation of the approved redevelopment.

7 Prior to the commencement of development, details of ecological enhancements shall be submitted to and approved by the Local Planning Authority. The scheme will include details of native landscape planting and provision of artificial roost features, including bird and bat boxes.

Reason: In the interests of improving biodiversity in accordance with the National Planning Policy Framework and policy 24 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.

8 Removal of 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.

Reason: In the interests of improving biodiversity in accordance with NPPF and policy 24 of the Chiltern District Core Strategy and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development. Vegetation clearance outside the bird nesting season All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended)

9 Prior to the commencement of the residential 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.

10 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'.

11 Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 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 1.

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.

12 Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling

within Class A, B, C, D, E, and F of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site unless planning permission is first granted by the Local Planning Authority. Reason: In order that the Local Planning Authority can properly consider whether any future proposals will constitute overdevelopment of the site or will in any other way be detrimental to the character of the locality.

13 Prior to the initial occupation of the dwelling annotated as Plot B, details shall be submitted to and approved in writing of a privacy screen to be affixed to the eastern edge of the approved first floor rear facing bedroom window and such approved privacy screen shall be installed prior to the initial occupation and shall thereafter be retained.

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

14 The development hereby approved shall be implemented in accordance with the tree and hedge protection measures described in the Arboricultural Method Statement in Section 6 and the Tree Protection Plan in Appendix 3 of the Arboricultural Survey report dated 18/12/2018 by Merewood Arboricultural Services. This shall include the use of tree protection fencing and ground protection measures in accordance with these documents.

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

15 The floodlights hereby approved shall not be operational except between the hours of 08.00hrs to 20.30 hrs.

Reason: To accord with the terms of the submitted application and to safeguard the amenities of the adjoining occupiers.

16 Before the first occupation of each of the dwellings hereby permitted the window(s) at first floor level in their side elevations shall be fitted with obscured glazing and any part of the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter unless agreed in writing by the Local Planning Authority.

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

17 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping at a scale of not less than 1:500 which shall include indications of all existing trees and hedgerows on the land, with details of those to be retained, and those to be felled being clearly specified.

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

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

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

19 Prior to the commencement of any works on site, detailed plans, including cross sections as appropriate, showing the existing ground levels and the proposed slab and finished floor levels of the dwelling(s) and Dome hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point normally located outside the

application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.

Reason: To protect, as far as is possible, the character of the locality.

21 The tennis courts hereby approved shall only operate between the hours of 07.00 hrs and 21.00 hrs and the clubhouse shall only be used between the hours of 10.00 hrs and 23.00 hrs on Mondays to Saturdays and between the hours of 12.00 hrs and 22.30 hrs on Sundays and Bank Holidays.

Reason: To protect the amenities of adjoining occupiers. (Policy EP3 of the South Bucks District Local Plan (adopted March 1999) refers.)

22 AP01 Approved Plans

INFORMATIVES

1 The applicant is advised that the off-site works will need to be constructed under a section 278 of the Highways Act legal agreement. This agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 8 weeks is required to draw up the agreement following the receipt by the Highway Authority of a completed Section 278 application form. Please contact the Transport Development Control Section at the following address for information or apply online via Buckinghamshire County Council's website at [https://www.buckscc.gov.uk/services/transportand-roads/highways-development-management/apply-online/section278-agreement/Highways Development Management 6th Floor, County Hall Walton Street, Aylesbury, Buckinghamshire HP20 1UY](https://www.buckscc.gov.uk/services/transportand-roads/highways-development-management/apply-online/section278-agreement/Highways%20Development%20Management%206th%20Floor%2C%20County%20Hall%20Walton%20Street%2C%20Aylesbury%2C%20Buckinghamshire%20HP20%201UY) Telephone 01296 382416

2 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/19/3006/FA

Case Officer: Melanie Beech
Date Received: 30.08.2019 Decide by Date: 06.02.2020
Parish: Chesham Ward: Asheridge Vale And Lowndes
App Type: Full Application
Proposal: Two storey rear extension to 212 Chartridge Lane, and the construction of two detached dwellings to land to rear of, and adjacent to 212 Chartridge Lane. Provision of associated vehicular access and amenity space
Location: Land at rear of and adjacent to 212 Chartridge Lane
Chesham
Buckinghamshire
HP5 2SF
Applicant: Mr & Mrs Brandon

SITE CONSTRAINTS

Adjacent to C Road
Adjacent to Unclassified Road
North South Line
Townscape Character

CALL IN

Councillor Bacon and Councillor MacBean have requested that this application be determined by the Committee if the officers' recommendation is to approve.

SITE LOCATION

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

The site is surrounded by residential development; no.216 to the north-west, no. 210 to the rear, and a development site to the south-east consisting of two pairs of semi-detached houses at the front of the site, a single detached dwelling in the middle of the site, and four detached dwellings in a row at the rear of the site. These are currently under construction.

THE APPLICATION

This application seeks planning permission to extend the existing house at no.212 Chartridge Lane and erect two new dwellings; one adjacent to the existing dwelling and one to the rear.

The proposed extension measures 5.1m in depth and 6.3m in width. It is two storeys in height with the ridge and eaves height matching the existing dwelling.

The proposed dwelling on plot 1 is 12.7m deep and 5.3m wide. It is a two storey, pitched roof dwelling with an eaves height at the front of 5m and a ridge height at the front of 7m. It includes a lounge, kitchen/diner, utility room and shower room on the ground floor, and three bedrooms and bathroom on the first floor.

The proposed dwelling on plot 2 measures 7.4m deep by 14.5m wide. It is a bungalow with a maximum eaves height of 3.1m and a maximum ridge height of 6.4m. It includes a lounge, kitchen/dining area and two bedrooms on the ground floor, and a third bedroom and bathroom within the roof space.

It is proposed to widen the existing access point to 4.8m for use by the existing dwellings at 212 and 210 Chartridge Lane, and the proposed dwelling on plot 2. In addition, it is proposed to create a new access to serve the new dwelling on plot 1, measuring 4.8m in width.

Each dwelling is provided with two car parking spaces, a rear garden and space for bin storage.

RELEVANT PLANNING HISTORY

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

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

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

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

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

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

PL/19/1831/VRC - Variation of condition 7 of planning application PL/18/4372/VRC (Variation of Condition 14 of planning permission CH/2018/0854/FA (Demolition of Nos. 206 and 208 Chartridge Lane and erection of two pairs of semi-detached dwellings along Chartridge Lane and one detached dwelling to the rear, associated hard landscaping, parking and altered vehicular access) to allow amended design of semi-detached dwellings on Plots 6 to 9) to allow detached garage to plot 5 - Conditional Permission.

PL/19/4027/VRC - Variation of condition 13 of planning permission PL/19/1831/VRC (Variation of condition 7 of planning application PL/18/4372/VRC (Variation of Condition 14 of planning permission CH/2018/0854/FA (Demolition of Nos. 206 and 208 Chartridge Lane and erection of two pairs of semi-detached dwellings along Chartridge Lane and one detached dwelling to the rear, associated hard landscaping, parking and altered vehicular access) to allow amended design of semi-detached dwellings on Plots 6 to 9) to allow detached garage to plot 5) to allow amendment to plot 5 garage, replacement of brick retaining walls with timber

sleeper retaining walls and insertion of obscure windows to side elevations of plots 6-9 - Conditional Permission.

PL/19/0450/FA - Redevelopment of the site to provide 6 dwellings (4 apartments and 2 houses) with associated access, amenity and car parking - Refused, appeal in progress.

TOWN COUNCIL

"The Committee recommends REFUSAL of this application of the grounds of overdevelopment and backland development; the impact on the amenity upon neighbouring properties and concerns that the narrow access lane does not meet minimum highway standards."

REPRESENTATIONS

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

- Disturbance and disruption during construction
- Inaccurate plans [officer note: amended plans have been provided by the applicant]
- Adverse impact on character of the area
- Visual coalescence between the two houses fronting the road
- One additional dwelling would be more acceptable than two
- View from Pednor Valley is being ruined
- Small gardens
- Inadequate parking provision
- Loss of privacy from overlooking
- Increased demand on water supply
- Impact on solar panels on neighbouring property
- Impact on boundary hedge which has wildlife value and oak tree in neighbouring garden
- Request conditions to restrict any increase in size to plot 2, any planting which would affect the solar panels, any removal of the boundary hedge, and a requirement to reduce the height/width of the nearby oak tree
- Also recommend a separate access for the existing dwelling

CONSULTATIONS

Highway Authority: No objection subject to conditions.

Building Control No objection.

Waste services No objection.

Tree Officer No objection.

POLICIES

National Planning Policy Framework (NPPF), February 2019.

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

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

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

EVALUATION

Principle of Development

1. The site is located within the built up area of Chesham where in accordance with Local Plan Policy H3, proposals for new dwellings are acceptable in principle subject to there being no conflict with any other Local Plan policy. In addition, the spatial strategy for Chiltern District, in accordance with Policies CS1 and CS2 of the Core Strategy, is to focus development on land within existing settlements and in particular to the built up areas of the main settlements which include Chesham.

Design/character & appearance

2. This application follows the refusal of an application on the same site for the erection of 6 dwellings (4 apartments and 2 houses), reference PL/19/0450/FA. That application is currently at appeal. The reasons for refusal related to the character and appearance of the area, amenity space, impact on no. 210 Chartridge Lane, inadequate parking and access, and inconvenient bin storage.

3. In comparison to the previous scheme, the density of proposed development has been significantly reduced. The proposed dwelling on plot 1 is comparable to the existing dwelling at 212 Chartridge Lane in terms of scale, size and appearance. There is a gap of 1.8m between the two dwellings and significantly larger gaps either side of the dwellings to the other neighbouring properties, as shown on the proposed street scene (drawing no. TL-388-19-3C). As such, it is not considered that the proposed development would create visual coalescence or have an adverse impact on the appearance of Chartridge Lane.

4. With regard to the proposed dwelling on plot 2, it will not be highly visible from Chartridge Lane and will be screened from views to the south by the existing dwelling at no. 210 Chartridge Lane. Its siting between two rows of dwellings is comparable to the single detached dwelling approved on the adjacent site (which was allowed on appeal), although its height is approximately 1m lower and is therefore arguably less intrusive.

5. The proposed rear extension to no. 212 Chartridge Lane is also considered to be acceptable as it is a proportionate addition to the existing dwelling which is comparable in depth to the approved dwellings at the neighbouring site. This is clearly shown on the submitted location plan and site plan.

6. Based on the above assessment, the proposed development is not considered to have an adverse impact on the character of the area and therefore complies with the relevant Development Plan policies.

Residential amenity

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

8. No. 216 Chartridge Lane is situated to the north-west of the application site but is set back over 30m from the road. As such, the proposed dwelling at the front of the site will be adjacent to their driveway and parking area, and will not overlook any private areas. In addition, the proposed bungalow is sited adjacent to the side wall of a single storey element of the neighbouring property. Given the single storey nature of the proposed bungalow and the distance to the neighbouring property (approximately 8m), it is not considered that the proposed dwelling on plot 2 would cause any visual intrusion or loss of privacy. It is also noted that the previous application (PL/19/0450/FA) was not refused on any impact on the neighbouring property at no.216 and the current scheme represents a reduction in development in comparison. As such, it would not be reasonable to introduce a reason for refusal in relation to this neighbouring property now.

9. No. 210 Chartridge Lane is situated to the south-west of the application site on lower land, approximately 11m away from the proposed bungalow. There is an existing outbuilding, driveway and parking area between no.210 and the proposed bungalow. One of the reasons for refusing the previous application related to the impact of the proposed bungalow on the neighbouring dwelling at no. 210. In comparison to the refused scheme, there are now only 2 small ground floor bathroom windows on the side elevation which faces towards no. 210 and no first floor windows. A condition can be imposed to ensure that these are obscure glazed. In addition, a condition can be imposed to restrict Permitted Development rights for the proposed bungalow, to ensure that the Council has control over any extensions proposed. Subject to these conditions, it is not considered that the proposed development impairs amenities to a significant degree to warrant a reason for refusal.

10. With regard to the new dwellings which are being constructed on the adjacent site, the proposal has been designed and sited so that the amenities of these new properties are not adversely affected. With regard to the proposed extension to no. 212 Chartridge Lane, it is necessary to impose a condition to ensure that this is constructed prior to the new dwelling on plot 1, so as to avoid the new dwelling being overbearing on the existing garden and rear windows of no. 212 Chartridge Lane.

11. With regard to the amenities of future occupiers of the development, each dwelling has been provided with a private rear garden and adequate bin storage. It is acknowledged that Members previously considered that the proposed gardens were too small, and the occupiers of the development would have to carry their bins too far to the collection point on Chartridge Lane. In response to these concerns, it is noted that the proposal is now for half the number of dwellings than previously proposed. As such, each dwelling has an adequate sized garden which is appropriate for the amount of accommodation proposed. It is also noted that the proposed bin stores are located closer to the collection point than the existing dwelling at no. 210 Chartridge Lane, or the dwellings which were allowed on appeal on the adjacent site. As such, no objections are raised in this regard. There are also no objections from the Council's waste team.

Parking/Highway implications

12. In accordance with Policy TR16 of the Local Plan, the Council's parking standard is two spaces for dwellings with a gross floor area of less than 120sqm, and three spaces for dwellings with a gross floor area in excess of 120sqm. Two spaces have been provided for the bungalow and the new dwelling on plot 1, which meets these standards.

13. The proposed extension to the existing dwelling at no. 212 Chartridge Lane extends the gross floorspace to approximately 149sqm. Given the sustainable location of the site, the modest size of the dwelling and the minor shortfall of one space, it is not considered that a reason for refusal based on parking could be sustained, particularly given the Inspector's comments in relation to the adjacent site:

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

14. With regard to the impact of the development on the highway network, the comments from the Highway Authority are noted, which raise no objection subject to conditions. In comparison to the previous scheme, the number of dwellings proposed has been reduced by half and therefore the impact on the highway network is significantly reduced.

Ecology

15. A Preliminary Roost Assessment (March 2019) and a single nocturnal survey (May 2019) have been carried out, which confirm that overall the site offers low roosting opportunities for bats. Therefore, in consultation with the Ecology Officer, no objections are made to the application in terms of ecology, subject to a condition to require details of ecological enhancements to ensure that a net gain in biodiversity is achieved.

Trees

16. Policy GC4 of the Local Plan seeks to protect existing established trees and hedgerows in sound condition and of good amenity and wildlife value. In this regard, the existing hedges around the site are to be retained, and there are no significant trees that are affected by the proposals. It is noted that there is an oak tree in the front garden of no.216 Chartridge Lane which is protected by a Tree Preservation Order. However, the development is located a sufficient distance from this tree so that it will not be affected by the development. As such, in consultation with the tree officer, no objections are raised in this regard.

Drainage

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

Affordable Housing

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

Conclusions

19. In conclusion, the proposed development represents a significant reduction in the number of dwellings proposed in comparison to the previous scheme. Based on the above assessment, the design and siting of the proposed dwellings is not considered to adversely affect the character of the area, amenities of neighbouring properties, highway safety, trees or ecology. As such, the proposal complies with the relevant Development Plan policies and is therefore recommended for approval, subject to conditions.

20. The applicant has agreed to the pre-commencement conditions.

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.

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

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

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

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

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

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

4 Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

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

iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

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

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

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

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

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

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

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

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

6 Prior to the occupation of the dwelling shown on plot 1, the new access to Chartridge Lane shall be laid out in accordance with the approved plans. The access shall be constructed in accordance with Buckinghamshire County Council's Guidance note, "Commercial Vehicular Access within Highway Limits" 2013.

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

7 The new dwelling shown on Plot 2 on the approved plans shall not be occupied until the existing means of access has been altered in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access Within Highway Limits" 2013.

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

8 The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and those areas shall not thereafter be used for any other purpose.

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

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

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

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

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

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

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

12 Prior to the occupation of the development hereby permitted, the bin storage shall be implemented in accordance with the approved plans and thereafter permanently retained for bin storage.

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

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows other than those expressly authorised by this permission, shall be inserted in any of the elevations of the bungalow on plot 2 hereby permitted.

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

14 Before any construction work above ground level commences on the new dwelling shown on plot 1, the approved extension to the existing dwelling at 212 Chartridge Lane must be substantially complete.

Reason: To protect the amenities of the existing dwelling at 212 Chartridge Lane, in accordance with policy GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

15 Before the first occupation of the dwelling hereby permitted on plot 2, the window(s) at ground floor level in the south-west elevation shall be fitted with obscured glazing and any part of the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter unless agreed in writing by the Local Planning Authority.

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

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

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

17 AP01 Approved Plans

The End



Appeal Decisions

Site visit made on 24 September 2019

by Jonathon Parsons MSc BSc DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2019

Appeal A Ref: APP/X0415/W/17/3191276 274 and 274A Chartridge Lane, Chesham, Bucks HP5 2SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Visao Ltd against the decision of Chiltern District Council.
- The application Ref CH/2017/1552/FA, dated 11 August 2017, was refused by notice dated 9 November 2017.
- The development proposed is the retention of Nos 274 and 274A, two storey extension to each, and one two bedroom detached house, one three bedroom detached house, and two four bedroom semi detached houses, together with open fronted car ports and alterations to vehicular access.
- This decision supersedes that issued on 30 August 2018. That decision on the appeal was quashed by order of the High Court.

Appeal B Ref: APP/X0415/W/19/3231699 274 and 274A Chartridge Lane, Chesham, Bucks HP5 2SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Visao Ltd against the decision of Chiltern District Council.
- The application Ref PL/18/4107/FA, dated 6 November 2018, was refused by notice dated 25 March 2019.
- The development proposed is the demolition of Nos 274 and 274A, the erection of two three bedroom semi-detached and one two bedroom detached house, one three bedroom detached house and two four bedroom semi detached houses, together with open fronted car ports and alterations to vehicular access.

Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for the demolition of Nos 274 and 274A, the erection of two three bedroom semi-detached and one two bedroom detached house, one three bedroom detached house and two four bedroom semi detached houses, together with open fronted car ports and alterations to vehicular access at 274 and 274A Chartridge Lane, Chesham, Bucks HP5 2SG in accordance with the terms of the application, Ref PL/18/4107/FA, dated 6 November 2018, subject to the following conditions on the attached schedule at the end of this decision.

Procedural Matters

3. As set out above there are two linked appeals on this site. In appeal A, the two existing dwellings on plots 2 and 3 would be retained and extended, and they would back onto the side of an adjoining new dwelling. In appeal B, the

existing dwellings on the same plots would be demolished and replaced, and they would be re-orientated such that they would flank onto the adjoining new dwelling. This would result in larger and longer gardens for these two dwellings. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

4. In appeal A, the Council has indicated that an access arrangement plan (AAP)¹ was not considered in their decision on the planning application. However, the AAP does not materially change the nature of the development by virtue of being a revision to an earlier version and it seeks to address a highway issue raised in the Council's reasons for refusal. The appeal process has given the parties opportunity to comment on it and for all these reasons, there would be no prejudice caused to them in making comments. Thus, it has been considered in this appeal rather than the previous AAP².
5. In appeal A, a revised ground floor plan showing the provision of a bin storage area³ and an illustrative swept path plan for a manoeuvring fire tender were submitted at the appeal stage. These plans and details do not materially change the nature of the proposed development and they seek to address highway issues raised in the reasons for refusal. The appeal process has given the parties opportunity to comment on these plans and details, and for all these reasons, there would be no prejudice caused to parties in making comments. They have been considered in this appeal.
6. In both appeals, further revised location plans showing enlarged site red-edges have been submitted. The enlarged area covers the area subject to highway works within the AAP. As the enlarged area covers adopted highway land, there is no requirement to consider the revised location plans. Notwithstanding this, the merits of the highway works will be considered in my reasoning.
7. A Preliminary Bat Roost Assessment (PBRA) 2019 report has confirmed that the developments would adversely impact upon bat roosts in the existing dwellings. Main parties have been consulted on whether the Council's recommended condition addressing this issue would meet the relevant tests of national policy.

Applications for costs

8. In each appeal, an application for costs was made by Visao Ltd against Chiltern District Council. These applications are the subject of separate Decisions.

Main Issues

9. In appeal A, the main issues are the effects of the proposal on (a) the highway safety of drivers, pedestrians and cyclists using the proposed access (b) character and appearance of the area, (c) the living conditions of the future occupiers of the proposed dwelling on plot 3, having regard to the provision of private outdoor space, and (d) the occupiers of the neighbouring property at 54 The Warren, having regard to outlook and (e) the provision of adequate bin storage facilities and collection arrangements.

¹ ITL12517-SK-012A.

² ITL12517-SK-010E (previous AAP).

³ 917:1086/PL101C.

10. In appeal B, the sole main issue is the effect of the proposal on the (a) the highway safety of drivers, pedestrians and cyclists using the proposed access.

Reasons

Highway safety (appeals A and B)

11. Between the neighbouring properties at 272 and 276 Chartridge Lane, there is a straight section of access drive of approximately 67m. It lies between a junction with a service road (to Chartridge Lane) and the main part of the proposed housing site itself. Currently, there is a track with verges, fencing and hedges either side, along this section. In areas closer to the service road junction, the track verges are banked adjacent to hedges.
12. The existing track would be replaced with a new access drive which would have a shared surface designed for vehicle users, pedestrians and cyclists. It would be a minimum width of 4.1m, with some sections measuring 4.3m and 4.8m (at the point the drive joins the service road).
13. The Manual for Streets (MfS) 2007 advocates shared surfaces to encourage low speeds and create an environment in which pedestrians can walk, stop and chat without feeling intimidated by traffic. The MfS states that they are likely to work well in short lengths or where they form a cul-de-sac. Irrespective of whether the access drive would form a short length, it would be part of a cul-de-sac. Under the MfS, the minimum width for two cars to pass is 4.1m, a lorry passing a car is 4.8m and two lorries to pass is 5.5m. It also indicates that the minimum width for pedestrians, including those with buggies, wheelchairs or other forms of walking assistance, would be 2m, albeit for footways. With a narrowest width of 4.1m, the drive would permit two cars to pass or a car and pedestrian under the MfS. With larger than average sized cars, the ability to pass would be more difficult. However, the chances of this occurring must be considered, and a narrower drive width would slow traffic down benefiting the safety of all highway users.
14. Using the Trip Rate Information Computer System (TRICS), the appellant's Technical Note (TN) September 2017 (appeal A) and Transport Appeal Statement (TAS) June 2019 (appeals A and B) indicates travel demands of the development would be one vehicle movement every 15 minutes in the morning peak and one vehicle movement every 20 minutes in the evening peak. Car ownership and car parking space provision would be higher in the appeal site area than the housing development examples used to derive the TRICS vehicle movements data. However, any housing developments underlying the TRICS data will rarely have exactly the same characteristics as that being considered, as sites and developments almost always are different. Movements are also dependent on many other factors, such as residents' working patterns and employment status, and the development only results in a net addition of four dwellings.
15. Furthermore, no substantiated evidence on vehicle movements has been put forward to the contrary and the highway authority responses dated November 2017 (appeal A), and January and March 2019 (appeal B) have not raised any objection to the appellant's analysis of vehicular movements. Moreover, in respect of overall trip rates, it expects each dwelling would generate 4-6 vehicular movements per day. Therefore, the balance of evidence would

- strongly indicate vehicular movements along the access drive, including at peak times, would be small and acceptable.
16. The TN's and TASs' conflict probability assessment indicates that the chances of vehicles meeting one another or pedestrian/cyclist meeting a vehicle on the access drive would be exceptionally infrequent. Even if I was to agree with third party evidence on increased probability of conflict, the scheme would provide a passing area/bay at either end of the drive which drivers could utilise if their vehicles were to meet. Given the straightness of the drive, there would be good inter-visibility between the drivers of oncoming vehicles to enable good use of the spaces.
 17. A waiting vehicle at the service road end of the access drive might have to partly station itself in the service road itself. However, the service road serves a limited number of residential properties where it would be reasonable to assume low traffic speeds. This would significantly reduce highway safety risk. Illustrative swept path plans show that a fire tender could enter and leave the site in a forward gear. The gradient between Chartridge Lane and the drive entrance is not severe and even if there is a chance of a large vehicle grounding, the design of any off-site highway works could take this into account given the extent of adopted land.
 18. The AAP shows the re-positioning of the access drive with the service road and road markings to define it. It also shows a re-positioned main access onto Chartridge Lane and a separate re-configured access for the neighbouring dwelling at 276 Chartridge Lane. These works have passed an independent safety audit and have resulted from discussions with the highway authority who has raised no objection. In respect of the drive junction with the service road, there would be a highway benefit given that it currently has poor visibility to the south.
 19. Although on balance, the highway authority responses dated November 2017 (appeal A) and January and March 2019 (appeal B) considered that the AAP overcame previous concerns and raised no objections to the proposals given the small-scale nature of the development. As a statutory consultee on highway matters, considerable weight is attached to their views.
 20. Other housing schemes with varying access drive widths have been brought to my attention. However, each scheme inevitably differs in terms of number, mix of housing, location and site circumstances and thus relevant comparisons are difficult to make. Moreover, they illustrate that every proposal has to be considered on its individual planning merits.
 21. For all these reasons, there would be no unacceptable impact on the safety of highway users, including persons with physical or mental impairment, and the residential cumulative impacts on the road network would not be severe. In both appeals, the highway authority has raised no objection to the access under the AAP. Accordingly, the proposal would comply with policy TR2 of the Chiltern District Local Plan (LP) 1997 (With Alterations 2001, Consolidated 2007 and 2011) and policy CS26 of the Core Strategy for Chiltern District (CS) 2011, which collectively and amongst other matters, require satisfactory access onto the existing highway network and that standards of road safety for all users should at a minimum be maintained and where appropriate, improved. For all the reasons indicated, the development would create a place that would

be safe, secure and attractive, minimising the scope for highway user conflicts in accordance with National Planning Policy Framework (Framework) policy.

Character and appearance (appeal A)

22. The appeal site comprises two semi detached dwellings set in spacious gardens which are sited to the rear of dwellings fronting onto Chartridge Lane. The surrounding area comprises dwellings of varying designs, forms and ages. The scale and plot sizes of the proposed housing would be mostly similar or greater than those contained within the new residential areas built to the rear of Chartridge Lane. In terms of plot size, the exception is plot 3. For this plot, the rear garden would be noticeably smaller than those of the other proposed dwellings. It would also have a small frontage garden. This plot would be particularly prominent because it would be at a bend in an access drive within the housing layout. As a result, the tightness of plot 3 with its dwelling would be noticeable and unsympathetic to local character.
23. The row of car ports, sited along the north boundary of the site, would not be a feature of the surrounding area but they would not be dominant due to their single storey construction, open sided nature and low pitched, hipped roofs. The garages would also be located away from public vantage points. Therefore, the car ports would not be visually intrusive in the area.
24. The Framework states that high quality buildings and places are fundamental to what planning should achieve, irrespective of whether they are located in areas of 'Special Character' or Conservation Areas. For all the reasons indicated, the unsympathetic layout of the plot 3 dwelling would harm the character and appearance of the area. Consequently, the proposal would conflict with policies GC1 and H3 of the LP, which collectively, and amongst other matters, requires development to be designed to a high standard, having regard to scale, siting and relationship with other development, and to be compatible with the character of those areas by respecting general density, scale, siting and character of buildings in the locality.

Living conditions of the future residents of the plot 3 dwelling (appeal A)

25. The 2 bedroom dwelling on plot 3 would attract lower person occupancy than the other proposed dwellings. It's kitchen and living/dining rooms would face onto a rear garden. A plan shows space for an external seating area as well as garden space.
26. LP policy H12 states each house should have a private garden area adequate for and appropriate to the size, design and amount of living accommodation and the general standard expected will be a minimum garden depth of 15m. The plot 3 garden depth would be considerably less than 15m and would be enclosed by the retained dwelling, a two storey extension and boundary walling. It would have a northerly aspect. As such, daylight and sunlight would be severely restricted to this enclosed space and its usefulness for every day activity, such as external dining area, seating, drying area, playspace, etc would be limited.
27. Small gardens can be permitted under the policy in certain circumstances. However, the rear site boundary would not abut open field, open countryside, recreation ground or a playing field. Although the whole development would be within attractive landscaped setting, the plot layout and orientation of the

dwelling, the size and enclosed nature of its garden would not provide a good standard of amenity for future occupiers. For all these reasons, the development would harm the living conditions of the future occupiers of the dwelling on plot 3, having regard to private open space provision and the proposal would conflict with policies GC3 and H12 of the LP.

Living conditions of the residents at 54 The Warren (appeal A)

28. The plot 6 dwelling would be separated by approximately 4m from the side of the neighbouring bungalow at No 54. The proposed dwelling would have a roof eaves at a similar height to that of the bungalow. The new dwelling would flank the neighbouring dwelling and it would project some 5m beyond the rear of its neighbour.
29. The neighbour's loss of outlook to their garden would not be significant. To the rear, the new dwelling would be stepped in from the boundary and partially flat-roofed, with an eaves height not significantly greater than any permitted boundary fencing, limiting visibility. However, the dwelling would have a high and steep pitched roof alongside the neighbour's kitchen window at the end of the bungalow. This kitchen has another window and door serving it, and no dining area as part of it. However, it is a reasonable sized living area and the affected window is the principal opening serving it. Consequently, the bulk of the dwelling would significantly affect the neighbour's outlook from the kitchen.
30. The new dwelling's siting would not contravene a 45 degree line of sight assessment taken from the corner of the bungalow but this is not taken from the principal kitchen window. There is no evidence that there would be a greater than theoretical possibility that permitted development rights for the new dwelling would be exercised in respect of the new dwelling. As a result, limited weight is attached to this. Substantial vegetation is located on the common boundary between the two properties, but this is considerably less extensive where the new dwelling would face the principal kitchen window. In any case, there can be no guarantee that vegetation would remain in perpetuity.
31. Whilst there have been no objections from the neighbours, planning is concerned with the living conditions of future residents not just existing residents. In two recent appeal decisions, Inspectors have found the relationship of new buildings to existing bungalows acceptable in terms of outlook. However, these decisions merely illustrate that every proposal has a different context requiring it to be considered on its particular planning merits.
32. For all these reasons, these considerations would not outweigh the identified harm to the living conditions of the occupiers of the bungalow, having regard to outlook. Accordingly, the proposal would conflict with policies GC3 and H3 of the LP, which collectively and amongst other matters, require the protection of amenities enjoyed by the occupants of existing neighbouring properties.

Bin storage facilities and collection (appeal A)

33. Each dwelling would have space for bin storage and a communal bin store would be located adjacent to a car port. The illustrative swept path plans show that a refuse truck would be able to enter and leave the site in a forward gear even with a waiting car at the housing end of the access drive. The truck would pass over a small landscaped area but an appropriately worded condition

- could be imposed to require a minor amendment to the scheme's layout to rectify this. On this basis, there would be no requirement for housing occupiers to put out their bins at the bottom of the access drive where it meets the service road.
34. The distance between the communal bin store and some of the dwellings would be significantly greater than 30m. Whilst not ideal, residents would have little choice because otherwise their waste would not be collected. Currently, the refuse vehicles access the service road south of the access drive and they would not be able to turn into the drive from this direction because the turn would be too acute. Therefore, after collecting waste/recyclables from the service road properties, it would be likely that any refuse truck would need to exit onto Chartridge Lane and then come back to enter the access drive via the new Chartridge Lane/service road junction. However, this would not stop bin collection taking place and based on previous comments on the acceptability of the AAP, it would not be unacceptable on grounds of highway safety.
35. During the determination of the planning application, the Council's officer (Oct 2017) on waste matters recommended refusal but this was made prior to the submission of the AAP, illustrative swept path plans for a refuse vehicle and revised ground floor plan showing the provision of bin storage area. In a response dated November 2017, the highway authority also raised no objections in respect of refuse matters. For all these reasons indicated, the proposed development would provide suitable means of bin storage and collection which would comply with national policy in paragraph 110 of the Framework.

Other matters (Appeal B)

36. The PBRA report confirms bat roosting of two species in the existing dwellings which was also identified in a 2016 PBRA report. The redevelopment would require the granting of a European Protected Species licence. The earlier report detailed the design of bat loft and built-in bat boxes (at least 1), the timing of dwelling demolition and new construction work, and the need for ecologist supervision. The provision of housing would be an imperative reason of overriding public interest within the context of a licence application. There have been reasonable efforts to explore an alternative to the proposal and the mitigation would be expected to maintain the local population levels of the species. Having considered Natural England's 'Standing Advice', there is a reasonable prospect of a licence being granted through the meeting of the three tests.
37. The dwelling on plot 1 would be located a considerable distance from the neighbouring property at 272 Chartridge Lane, at the end of a long and large garden, and would have no directly facing first floor windows. The dwelling on plot 6 would be mostly single storey with first floor windows being rooflights which would be stepped back from the common boundary with 54 The Warren. All other dwellings would be sited considerable distances from the site boundaries. The net increase in traffic along the access drive throughout the day would not be significant. For all these reasons, there would be no harm to the living conditions of residents through the significant loss of outlook, privacy or adverse noise and disturbance.
38. Parking provision would accord with local authority standards and would be appropriate in this suburban location. Additional vehicle generation would not

be significant even at peak times and as such, there is no evidence that levels of air pollution would be materially affected. Residents of the development would use local services, such as health facilities, but there is no evidence from providers that this proposed development would significantly hinder service provision for local people. An injunction has been served on the appellant as a result of a property dispute with a third party but this would not be a reason to withhold planning permission as this is a separate legal matter.

39. The emerging Chiltern and South Bucks District Local Plan 2036 is at early stages of plan preparation and therefore, little weight is given to its policies.

Planning balance

40. In appeal A, the character and appearance of the area, and the living conditions of the future occupiers of a proposed dwelling and the occupiers of a neighbouring dwelling, would be harmed. There would be conflict with character and appearance, and living condition policies of the LP and CS. There is no 5 year Housing Land Supply (5YHLS), the Council indicate 2.48 years supply, but the weight to be attached to these policy conflicts remains significant. The policies are broadly consistent with design policies of the Framework which require well-designed places sympathetic to local character and with a high standard of amenity for existing and future occupiers. Therefore, the proposal would be contrary to the development plan as a whole.
41. As indicated, there is no 5YHLS and supply has fallen short of its requirement over the last 3 years. Housing supply would be boosted, and a good mix of units would be provided. This small sized site would make an important contribution to meeting housing requirements and it could be built-out quickly. Urban infilling would reduce the need to develop housing in the countryside and would help to promote a good mix of sites by developing a windfall site. Five of the dwellings would have south facing rear elevations so reducing energy requirements and greenhouse emissions. The proposal would make a more efficient use of land by increasing dwelling numbers on it. An opportunity for improving the way the area functions would be taken because the visibility of the access drive with the service road would be improved.
42. However, the poor design of the development would harm in a significant and permanent way the character and appearance of the area and the living conditions of residents for all the reasons indicated. Good design is a key aspect of sustainable development under the Framework. As a result, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development would not apply. There are no material considerations of sufficient weight or importance that determine that the decision should be taken otherwise than in accordance with the development plan and planning permission should be refused.
43. In Appeal B, the proposal accords with the development plan and there are no material considerations of sufficient weight or importance that determine that the proposal should be taken otherwise than in accordance with the development plan and granted planning permission.

Conditions (appeal B)

44. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance and partys' comments. Some have been amended and amalgamated in the interests of clarity and precision taking into account the guidance.
45. To provide certainty, a condition is necessary specifying the approved drawings. In the interests of character and appearance of the area, conditions are necessary setting out the requirements for external materials, site levels, boundary treatments, and communal bin store design and finish. Conditions are necessary requiring that the access drive, including its junction and visibility splay, are fully implemented and maintained in accordance with the AAP. These works have been accepted by the highway authority and have passed a safety audit. Such works can be performed within the time limit imposed by the permission. A condition is necessary to ensure the implementation of the bat mitigation contained within the PBRA reports in the interests of protected species.
46. In the interests of neighbour privacy, a condition is necessary withdrawing permitted development rights for first floor and above fenestration for dwellings on plots 1 and 6. For the sake of biodiversity and protected species, the implementation of a scheme of biodiversity enhancements and a lighting strategy are necessary in accordance with development plan policies. There are no exceptional circumstances justifying the withdrawal of permitted development rights for extensions and alterations to the dwellings or buildings within their curtilages because of the dwelling plot sizes, designs and sittings (relative to neighbouring properties).

Conclusion

47. For the reasons given above and having regard to all other matters raised, I conclude that Appeal A should be dismissed, and Appeal B should be allowed.

Jonathon Parsons

INSPECTOR

APPEAL B Schedule of attached conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 108 (Location plan red outline): 917:1102/PL 100B; 917:1102/PL 101B; 917:1102/PL 102B; 917:1102/PL 103C; 917:1102 PL/104A; 917:1102 PL/105A: 917:1102 PL/106: 917: 1102/PL 107B: 917:1102/PL 108 and ITL12517-SK-012A.
- 3) Before any construction work commences on the site, details of the materials to be used for the external construction of the development hereby permitted, including the facing materials, roofing materials and surface materials for the paths and parking areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved materials.
- 4) Prior to the commencement of any construction works on site, detailed plans, including cross sections as appropriate, showing the existing ground levels and the proposed slab and finished floor levels of the residential units hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point normally located outside the application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.
- 5) Prior to the occupation of the development hereby permitted, the access onto Chartridge Lane shall be fully laid out in accordance with the approved plans and visibility splays shall be provided in accordance with approved drawing no. ITL12517-SK-012A. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.
- 6) The scheme for the parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and those areas shall not thereafter be used for any other purpose.
- 7) Prior to the occupation of the development hereby permitted, full details of the proposed boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall then be erected/constructed prior to the occupation of the residential units hereby permitted.
- 8) Prior to the occupation of the development hereby permitted, full details of the proposed bin stores shall be submitted to and approved in writing by the Local Planning Authority. The bin stores shall be erected and completed in accordance with the approved details prior to the occupation of the residential units hereby permitted.
- 9) 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 roof lights, windows/dormer windows other than those expressly authorised by this permission, shall be inserted or constructed at any time in the

first floor (or above) flank elevations of the dwellings on plots 1 and 6 hereby permitted.

- 10) The development shall be carried out in accordance with the bat mitigation measures within the Preliminary Bat Roost Assessment report produced by Ecology By Design (report reference: EBD00167, dated 10 October 2016) and RSK letter dated 25 October 2019 (letter reference: 858247 – 274 Chartridge Lane bat mitigation letter Rev02). These relate to the provision of roosting spaces within the new dwellings on plots 2 and 3 in the form of a 'bat loft' and 'built-in bat boxes', the need for ecologist supervision and timing requirements for the demolition of existing dwellings and the construction of the replacement dwellings.
- 11) No development above slab level shall commence until a detailed scheme of ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of native landscape planting, including species of known benefit to wildlife, and the provision of artificial roost features, including bird and bat boxes. The approved enhancements shall then be planted/erected/constructed prior to the occupation of the residential units hereby permitted.
- 12) Prior to the occupation of the development hereby permitted, a "lighting design strategy for biodiversity" for buildings, features or areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall
 - a) Identify those areas/features on the site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent wildlife using their territory or having access to their breeding sites and nesting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and maintained in accordance with the strategy. Under no circumstances should any other external lighting be installed.



Costs Decisions

Site visit made on 24 September 2019

by Jonathon Parsons MSc BSc DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2019

Costs application in relation to Appeal A Ref: APP/X0415/W/17/3191276 274 and 274A Chartridge Lane, Chesham, Bucks HP5 2SG

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Visao Ltd for a partial award of costs against Chiltern District Council.
- The appeal was against the refusal of planning permission for the retention of Nos 274 and 274A, two storey extension to each, and one two bedroom detached house, one three bedroom detached house, and two four bedroom semi detached houses, together with open fronted car ports and alterations to vehicular access.

Costs application in relation to Appeal B Ref: APP/X0415/W/19/3231699 274 and 274A Chartridge Lane, Chesham, Bucks HP5 2SG

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Visao Ltd for a full award of costs against Chiltern District Council.
- The appeal was against the refusal of planning permission for the demolition of Nos 274 and 274A, the erection of two three bedroom semi detached and one two bedroom detached house, one three bedroom detached house and two four bedroom semi detached houses, together with open fronted car ports and alterations to vehicular access.

Decisions

1. The application for award of costs is refused in Appeal A and allowed in Appeal B in the terms set out below.

Reasons

Appeal A

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The High Court quashed the previous Inspector's decision but not the associated cost decision. The cost decision remains extant and therefore the costs application has to be determined solely in respect of the re-determined appeal.
3. In the re-determination appeal, the Council has continued to base its objections on an access arrangement plan, including latest AAP¹. The High Court quashed the previous Inspector's decision because he failed to properly

¹ ITL12517-SK-012A.

- consider the applicant's request to consider this later AAP and by failing to take account of this, not providing an assessment why the latest access arrangements were acceptable taking into account highway authority views on it. It was also found a departure from the highway authority views required cogent and compelling reasons. However, the previous Inspector considered cost submissions on the basis of reasons for refusal 1 (highways) and 5 (bin storage and collection), and therefore, if I were to consider this further, I would be straying into matters previously addressed in an earlier extant decision.
4. In terms of the re-determination appeal, attention has been drawn to a purported similar proposal at Long Park at Chesham Bois but as with other schemes, the Council has drawn attention to differences with the present proposal. Importantly, it has indicated that every proposal has to be considered on its individual planning merits.
 5. Notwithstanding the quashing of the previous appeal decision, the Inspector's comments on the non-successfully challenged part of the decision remain material. The applicant has argued that the Council has been unreasonable in not re-assessing its case based on these. As with the previous Inspector, I have found no adverse impact arising from the carports on the character and appearance of the area or the dwelling on plot 6 on a neighbouring residents' use of their garden. However, the proposal still fails on the more substantive aspects of these two issues which has resulted in the dismissing of the appeal taking into account housing considerations.
 6. On this basis, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated in appeal A, for all the reasons given above.

Appeal B

7. The Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
8. The refusal of the planning application followed the quashing of the decision on the other appeal proposal on this site by the High Court which has been re-determined in appeal A. In this appeal B, the Council's decision was based on the access arrangement plan (AAP)¹, and a ground floor plan (showing bin storage within the housing part of site). Members refused the proposal solely on highway grounds against an officer recommendation of permission.
9. It is entirely within the remit of Members to come to a different view from that of its professional officers. In these circumstances, the Guidance states that an authority is expected to produce relevant evidence on appeal to support its decision. Although I have come to a different view on the merits of the proposal, it does not follow that unreasonable behaviour occurs.
10. The Council's planning committee was aware that the highway authority and its own officer advising on waste disposal matters had raised no objections to the proposal. The Council should also have been aware of the High Court judgement on appeal proposal A where the judge stated that the views of the highway authority on the proposed access arrangements were highly material, departure from that view would require cogent and compelling views.

11. The Council has expressed considerable concerns about the access arrangements, but this has not been detailed in its evidence. Reference to the site circumstances and planning history does not equate to evidence on highway safety. Furthermore, the Council has not commented on the features of AAP including the provision of passing spaces either side of the access drive. No assessment of the applicant's Transport Note January 2018 and Transport Appeal Statement June 2019, including its traffic movement and conflict probability evidence, has been made. The lack of substantiated evidence to support its objections and any objective analysis of the applicant's evidence results in vague, generalised and inaccurate assertions about the proposal's impact.
12. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated. A full of costs is justified in the preparation of this appeal and cost submission where work is additional to that carried out in respect of appeal A.

Costs Order (Appeal B)

13. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Chiltern District Council shall pay to Visao Ltd, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed. The applicant is now invited to submit to Chiltern District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Conclusion

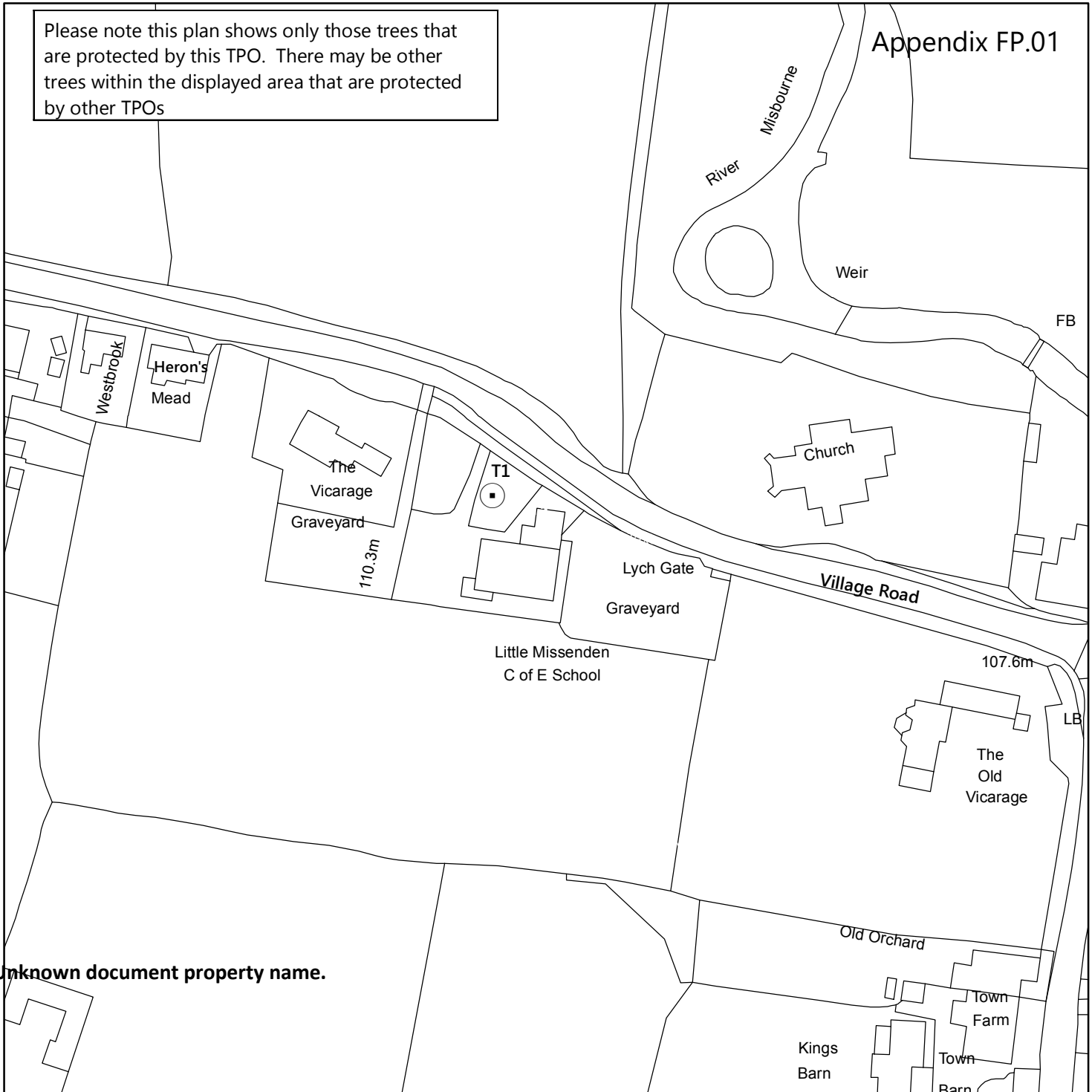
14. For the reasons given above, I conclude that application for an award of costs is refused for appeal A but allowed for appeal B on the terms set out above.

Jonathon Parsons

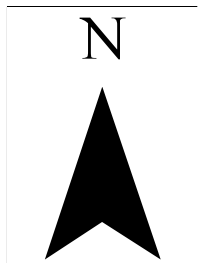
INSPECTOR

Please note this plan shows only those trees that are protected by this TPO. There may be other trees within the displayed area that are protected by other TPOs

Appendix FP.01



Tree Preservation Order No 0009 of 2019



Land at Little Missenden Church of England School
Village Road
Little Missenden
HP7 0RA

Signed this 20th Day of August
2019

Joanna Swift

Head of Legal and Democratic Services
(Proper Officer)

**CHILTERN
DISTRICT
COUNCIL**

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Scale

1:1250

Date

20/08/2019



Little Missenden Church of England Infant School

Buckinghamshire HP7 0RA

Telephone 01494 862021

Email: office@littlemissenden.bucks.sch.uk

Website: www.littlemissendenschool.co.uk



Mr K Musgrave
Tree Officer
Chiltern District Council
King George V Road
Amersham
Bucks HP6 5AW

Ref: TPO/19/0009

22 August 2019

Dear Mr Musgrave

Tree Preservation Order 2019



I am writing to appeal against the order made on 20 August 2019 in respect of Lime Tree, reference T1 on your map, which is growing within the school grounds.

We are a small village school with 50 children aged 4-7. Through our nominated tree surgeon, we applied to remove this tree as it is located very close to the main school building and within an area where children play all day. The roots are damaging both the play area and the main school path. This creates potential trip hazards and make it impossible to maintain safe play surfaces.

The governors and the Diocese have a duty of care and a responsibility to ensure the site is always safe. A recent survey of the site by a Diocesan officer highlighted that this tree is a concern. I attach a copy of their report. We are grateful that you agreed that the cherry tree within the site could be removed but would ask you to reconsider this order with regards to the Lime Tree. The site is bounded by many native species mature trees including lime trees.

I would be welcome the opportunity to meet with you on site when school returns on 4 Sept so you can better understand our concerns.

Yours sincerely


Mrs Jane Elkins
Chair of Governors


Next Steps - The next steps are:
 1. Share this information with the Board of Governors
 2. Review how you will potentially fund these works through DFC, LCVAP, Governor Funds or PTA Funds. For more info <https://www.oxford.anglican.org/wp-content/uploads/2018/08/Premises-Handbook-Jane-Mahary-2018-19.pdf>
 3. Contact the Premises team to discuss how we can help you carry these works out- Claire.Hayes@oxford.anglican.co.uk

Element	Item	Construction type Description/ Comment/ Defects	Photo Ref	Condition Grading	Priority Grading	Estimated Cost £
Roofs	Structure	Concealed, assume timber pitched structure.		B	4	
		Concealed, assume timber flat roof structure.		B	4	
Roof Coverings		Timber structure to entrance and early years canopy in satisfactory condition.		B	4	
		Felt flat roof in satisfactory condition.	(1)	C	2	£1,000- £5,000
Chimneys Rainwater Goods Flashings Cladding Fascias Soffits		Tiled pitch roof covered heavily in moss. Recommend brushing the moss off, the moss acts as a sponge keep the tiles constantly wet rather than letting the roof drain.				
		Polycarbonate covering to canopies in satisfactory condition. Recommend cleaning.		B	4	
		The school have two chimneys, visually in satisfactory condition.		B	4	
		UPVC rainwater pipes in satisfactory condition. Recommend regular clearing of debris.		B	4	
Drainage External Walls		The school have had large amounts of lead flashing stolen, caused leaks. Flashing now replaced with a non-lead material in good condition.		A	4	
		UPVC fascia's to extension area in good condition.		A	4	
		Timber fascia's in satisfactory condition.		B	4	
		School reported that drains are jetted as part of their maintenance. Recommend regular clearing of debris as part of maintenance.		B	4	
Doors & Windows	Brickwork	Areas of brickwork require repointing to remain weathertight. Brickwork above rear door the school shows signs of movement and cracking. Recommend stitch repair to area.	(2)	C	3	£250-£750
	DPC's	A missing brick to the external wall to classroom 15 requires filling with concrete to main weathertightness of the building. UPVC windows to the front of the school in good condition.		C	2	£500- £1,000
Doors	Playground	UPVC windows to the toilets in poor condition. The school is gradually replacing timber framed single pane windows with UPVC.	(3)	C	2	<£6,000
	Playground safety surface	UPVC.		C	2	See above
Hardscapes	Playground	Metal entrance doors in good condition.		A	4	
	Playground safety surface	Playground in good condition. Playground safety surface in good condition.		A	4	
Playground equipment	Tarmac footpath	Playground equipment in satisfactory condition. Recommend regular safety inspection of equipment.		B	4	
	Pavloir ramp	Tarmac footpath from the front entrance gate has two small holes. Recommend patch repair, possible trip hazard.		C	2	<£500
Other	Decking area	Pavloir ramp in early years area in satisfactory condition. Decking area to side of playground in satisfactory condition.		B	4	
	Trees	Trees are regularly surveyed by an Arborist. School reported concern that the lime tree to the front of the playground has come to the end of its life. Consult with Arborist whether felling is recommended School reported concern about the health of the large tree in the early years play area. Previous trees in the same area have fallen onto the public footpath. School to contact South Bucks county council regarding Conservation area restrictions on trees. The large tree is blocking much light to the school and restricts movement in the early years play provision area. Recommend felling.	(4)	C	3	<£1,000



Little Missenden Church of England Infant School

Buckinghamshire HP7 0RA
Telephone 01494 862021

Email: office@littlemissenden.bucks.sch.uk

Website: www.littlemissendenschool.co.uk

By Email: planning@chilternandsouthbucks.gov.uk

Mr K Musgrave
Tree Officer
Chiltern District Council
King George V Road
Amersham
Bucks HP6 5AW

Ref: TPO/19/0009

2 October 2019

Dear Mr Musgrave

Tree Preservation Order 2019

I am writing further to our meeting at the school today, to further clarify our concerns with regards to the lime tree and why we wish to remove it.

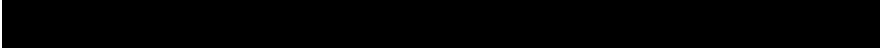
1. The tree is impacting on the main school building and the entrance path. It is a mature tree very close to the main building. It is shading the main building impacting on light in the classrooms and causing a build-up of moss on the roof. Its roots are causing problems with the drains and we have a damp problem. It is also undermining the path which is breaking up and will become a serious trip hazard.
2. It is situated in the play area for the nursery and reception children and its roots are exposed and a trip hazard. Furthermore, the root structure spreads across the whole area which is uneven and muddy. Outdoor play is a key part of the curriculum for Early Years and this area needs to have a safe all-weather surface. This is a significant outlay for the school, and it's difficult to commit to this when the tree continues to undermine the surface.
3. I would strongly refute your suggestion that the school is aiming for no trees. We are a small site with limited outdoor space but are surrounded by trees that in the main belong to the Church, which in any case is the owner of the school site. We are totally committed to the environment and have a thriving garden area and planters. Environmental studies are a key part of the curriculum for all the pupils and we take every opportunity for them to be outside enjoying their surroundings.
4. The governors have a duty of care with regards to the safety of the children and this is a mature tree that has the potential to drop branches or fall. We regularly check this of course, but it remains a risk.

You outlined how the process will run going forward and I trust that this letter will be included in your report and given due consideration by the Planning Committee/Officer. Please let me know when a date has been agreed for this to be discussed.

Yours sincerely

Jane Elkins

Mrs Jane Elkins
Chair of Governors



Little Missenden Parish Council

38 New Pond Road
Holmer Green
Bucks HP15 6SU
Phone: 01494 715429
e-mail: clerk@littlemissendenpc.co.uk

Dear Mr Musgrave,

RE: PL/19/2380/KA

I am writing to express Little Missenden Parish Council's full support for Little Missenden School's application to remove a lime tree from their site. This follows your 2nd October meeting at the school with Chair of the school governors, Jane Elkin, another governor, Matt Hopkins, and the Little Missenden Ward Councillor, Ben Scotchbrook.

I understand Jane Elkin has already written to you to reiterate the school's argument for removing the tree. We would like to add our voice for the consideration.

CASE FOR REMOVAL:

- The roots of the tree are penetrating the school's drains which is believed to be the cause of a damp problem in part of the main school's wall (Image 1). On basic health grounds, we're sure Chiltern District Council would accept damp can cause health issues for people of any age. The problem could be fixed but as long as the tree and its roots are left, the problem can only return or get worse.
- Secondly, the roots are undeniably causing issues on the main path into the school, with the tarmac beginning to crack (Image 2). There are other places where the path is deteriorating (Image 3). While the risk of tripping may not be substantial currently, the problem will only worsen if the tree is left in situ.
- In the play area to the east of the tree, the roots are already contributing to a more substantial trip-hazard. The ground is very uneven and this isn't helped by a tarmac circular 'track' in the middle of the play area which the school would like to replace – not least because it makes tripping more likely (Image 4). However, there is no practical point in replacing anything here - or considering ways to develop a better play area – while the lime tree and its roots are still in situ. The integrity of a more level playing surface would soon be undermined by growing roots.
- The roof of the school is covered with moss – caused by the extensive shade from the tree which blocks out a lot of light. The moss needs removing, but with the tree there, it will doubtless return.
- These arguments are underpinned by the financial challenges all our schools face. Little Missenden School is currently unable to make improvements it might otherwise consider for its children because the tree presents a current and ongoing impediment which doesn't allow for 'future-proofing'. Put simply, there's no point investing in areas that will always be undermined by this tree.

POINTS FROM THE MEETING:

At the meeting with the school's governors and Councillor Scotchbrook, you said that the school appeared to be arguing to get rid of all trees on the school site. Little Missenden Parish Council believes that certainly isn't the school's position by any means - and the school wouldn't enjoy Council's support if it was. It is our understanding (and Cllr. Scotchbrook's three children attended the school) that awareness of, and protecting, our environment has always been at the heart of the school's curriculum and ethos.

You also stated that children should learn how to deal with trip-hazards. Whilst we all have a duty to teach children about life's perils – big and small – I'm sure you will accept the overriding concern of any council (district and parish) - and certainly any school - is to reduce risks where feasibly possible. It is, in fact, our statutory duty.

Looking at the Little Missenden Parish Council's planning interventions over the years, you will note councillors have frequently argued for preserving the 'status quo', against over-development and, crucially, for the protection

Little Missenden Parish Council

of our countryside and conservations areas. It is in that context we still believe this particular tree should be removed for the greater good.

CRITERIA FOR TREE PRESERVATION ORDER:

According to Chiltern District Council's own criteria, a Tree Preservation Order is considered where a tree makes "*a significant contribution to the amenity of the area. It should also be an attractive specimen in good health with a reasonable life expectancy ahead of it*".

It is the Little Missenden Parish Council's position that this particular tree does not make "a significant contribution to the amenity of the area". While it can be seen from the road and pavement, there are (literally) countless other trees in the immediate vicinity – to the left of the school, to the right of the school, over the road from the school, everywhere you look, in fact.

There is little way of establishing the overall life expectancy of the tree but the Parish Council do not believe it is a particularly "attractive specimen"; it possibly *could* be - with some extensive, and expensive, tree surgery work - but that wouldn't solve the overriding issues it presents to the school.

We would ask that Little Missenden Parish Council's position is considered going forward and we are made aware of any developments and look forward to hearing from you.

Yours sincerely,

Helen Hogan

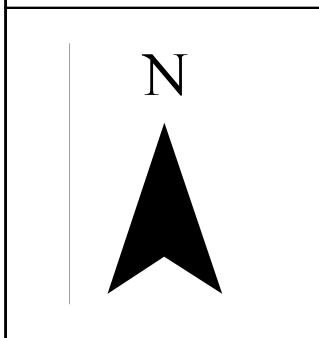
Parish Clerk

For and on behalf of LMPC

Please note this plan shows only those trees that are protected by this TPO. There may be other trees within the displayed area that are protected by other TPOs



Tree Preservation Order No 0011 of 2019



Land at Fairlawns
 Coleshill Lane
 Winchmore Hill
 HP7 0NT

Signed this 4th Day of September 2019

Joanna Swift

Head of Legal and Democratic
 Services
 (Proper Officer)

**CHILTERN
 DISTRICT
 COUNCIL**

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Scale	1:1250	Date	04/09/2019
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DAC BEACHCROFT

Our Ref: [REDACTED]
 Your Ref: TPO/19/0011
 25 September 2019

Chiltern District Council
 FAO Mr Keith Musgrave
 King George V House
 King George V Road
 Amersham
 Bucks
 HP6 5AW



Dear Sirs

Our Client : Miss Palminder Kaur Barar
Subject : Webbers Cottage, Coleshill Lane, Amersham, HP7 0NS ("the Property")

We act on behalf of Covea Insurance, the insurers of Miss Palminder Barar who is the owner and occupier of the Property, in respect of an ongoing claim for subsidence damage to the Property.

Our client received correspondence from Chiltern District Council, dated 4 September 2019, notifying her that a Tree Preservation Order ('TPO') had been made in respect of an Oak tree situated at her neighbour's property at Fairlawns, identified as 'T1' in your schedule of trees. In accordance with the provisions of regulation 6 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012, we wish to object to the TPO.

Basis of Objection:

In or around August 2016 our client discovered internal and external crack damage at the Property and referred the matter to her insurance company, who undertook investigations and established that the pattern of the cracks was indicative of tree root subsidence. Site investigations were undertaken which found that the foundations of the Property bore into desiccated clay subsoils, with live Oak roots discovered which have been deemed to emanate from T1. Additionally, arborist inspection identified T1 as the principal cause of the observed subsidence damage and recommended that T1 be removed so that the Property may stabilise and repairs may be effected.

The Property has also been subject to level monitoring from 26 June 2017. The results display clear seasonal movement whilst T1 has been in-situ, which is a key indicator of clay shrinkage subsidence.

A copy of all relevant technical documents are enclosed to this letter for your review.

DAC Beachcroft Claims Ltd
 Portwall Place Portwall Lane Bristol BS1 9HS UK (Sat Nav postcode: BS1 6NA)
 [REDACTED] tel: +44 (0) 117 918 2000 fax: +44 (0) 117 918 2100
 [REDACTED] DX 7846 Bristol 1



It is clear from the available evidence that the Tree is causing ongoing subsidence damage to the Property and needs to be removed. If the Tree is not removed, the Property will be unable to stabilise and will not be able to be repaired unless an extremely costly engineering solution such as underpinning is undertaken.

The owners of T1 have been aware of the subsidence damage to the Property and need for T1 to be removed since July 2017 and have failed to take appropriate action. T1 constitutes a continuing nuisance and its owners are under a duty of care to abate this nuisance so that the damage to the Property can be repaired. By refusing to remove the tree they are in breach of their duty and by applying for a TPO they are seeking to permit further damage to the Property.

Conclusion:

In conclusion, T1 is causing ongoing subsidence damage to the Property and requires immediate removal. By granting a TPO in respect of T1 this will cause the Property to suffer further damage and will result in increased costs and distress for our client. Furthermore, should the TPO be confirmed and permission to remove T1 be refused, the Property will have to be subject to an engineering solution such as underpinning. This will be an expensive endeavour and the costs of this will be recovered from Chiltern District Council in accordance with section 202E of the Town and Country Planning Act 1990.

We therefore object to the TPO in respect of T1 and request that it not be confirmed.

We look forward to your response.

Yours faithfully

DAC Beachcroft Claims Limited

DAC Beachcroft Claims Ltd

Arboricultural Consultancy for Covéa Insurance

Note: This report is intended for use between the client, Environmental Services and any parties detailed within the report. It is based on the understanding at the time of visiting the property that Engineers are satisfied that damage is attributable to clay shrinkage subsidence exacerbated by vegetation.

1. Case Details

Insured		Address	Webbers Cottage, Coleshill Lane, Amersham, HP7 0NS		
Client	Subsidence Management Services	Contact		Claim No.	
ES Ref		Consultant		Contact No.	
Report Date	20/07/2017				

Scope of Report: To survey the property and determine significant vegetation contributing to subsidence damage, make recommendation for remedial action and assess initial mitigation and recovery prospects. The survey does not make an assessment for decay or hazard evaluation.

2. Property and Damage Description

The property is a three storey semi-detached house of traditional construction with rendered brickwork walls surmounted by a gabled tile covered roof.

The site slopes gently downwards from front to rear.

Damage relates to the front left corner of the insured property. Please refer to the engineers report for a full description of the claim history and damage.

3. Technical Reports

In preparing our report we have had the benefit of the following technical investigations:

Soil Analysis	<input checked="" type="checkbox"/>	Foundation Detail	<input checked="" type="checkbox"/>	Root Analysis	<input checked="" type="checkbox"/>
Borehole Log	<input checked="" type="checkbox"/>	Engineers Report	<input checked="" type="checkbox"/>		

4. Action Plan

Mitigation	
Insured involved?	No
Local Authority involved?	No
Other third party Mitigation involved?	Yes
Recovery	
Is there a potential recovery action?	Yes

Treeworks	
Local Authority	Chiltern District Council
TPO / Conservation Area / Planning Protection Searches	None
Additional Comments	
Awaiting Further Instructions.	
A potential recovery action has been identified.	
Engineers should consider focusing investigations to strengthen factual evidence for disclosure to third party tree owners.	

5. Technical Synopsis

This report is based upon our understanding at the time of visiting the property that Subsidence Management Services' engineers are satisfied that damage is due to clay shrinkage subsidence exacerbated by vegetation.

Site Investigations have established the conditions necessary for clay shrinkage subsidence to occur are present on site with a shrinkable clay substrate having been identified below confirmed foundation depth; foundations noted to extend to 400mm below ground level in TP/BH1.

NHBC 4.2 (2010) classifies the supporting subsoils as being of low-medium plasticity i.e. capable of moderate volumetric change potential in response to moisture content.

Atterberg testing for soils recovered in TP/BH1 showed the soil moisture content to be approaching (1%) the plastic limit

Arboricultural Consultancy for Covéa Insurance

underside of foundations (400mm) and within 7% of plastic limit at 1400mm.

Soils at greater depths (2400mm) were described as very soft light brown/white mottled clayey slightly gravelly CHALK and had significant height moisture contents.

Site investigations revealed the presence of roots in Trial Pit/Borehole 1 to a depth of 2400mm; this depth is in excess of foundations.

Samples of these roots were recovered from underside of foundations and throughout the borehole, these roots were identified (using anatomical analysis) as having emanated from the genus *Quercus* spp. (Oak).

The footings of the subject property are judged to be within the normally accepted influencing distance of vegetation on site; we have therefore been instructed to advise on the likely causal vegetation and to deliver management proposals which will provide on-going and long-term stability allowing repairs to be undertaken.

In assessing the potential drying influence of the vegetation on site, we have considered, in addition the above site investigations, known species profile, normally accepted influencing distance and the position of vegetation relative to the observed damage.

Based on our observations on site, T1 (Oak) will, in our opinion, be the source of the *Quercus* spp roots recovered from TP/BH1.

Given the above, T1 (Oak) is considered to be implicated in the current subsidence damage.

In assessing the potential drying influence of the vegetation on site, T1 (Oak) is clearly the dominant feature proximate to the front of the insured property and accordingly we have identified it as the principal cause of the subsidence damage.

The size, orientation and proximity of T1 (Oak) is consistent with the location of damage and advised mechanism of movement.

Considering engineers conclusions, results of site investigations and our observations on site, vegetation management is considered appropriate with a view to restoring stability.

Please refer to Section 6 for management prescriptions.

In order to mitigate the current damage and allow soils beneath the property to recover to a position such that an effective engineering repair solution can be implemented we recommend a program of management as listed by this report.

Vegetation management in the form of removal and appropriate stump treatment will help to promote the restoration of long-term stability to the insured property; pruning should not be considered as representing an effective or reliable long-term alternative solution given the size and proximity of the vegetation.

Whilst we have given consideration to pruning as a means of mitigating the vegetative influence of the above, this has been discounted.

Pruning is generally ineffective and in the context of the current claim we consider the above vegetation too large and close for pruning to be effective.

Replacement planting is considered appropriate however due consideration must be given to the ultimate size of the replacement and future management requirements.

Species selection should be appropriate for the chosen site and ultimate tree height should not exceed 75% of the available distance to built structures.

We recommend the efficacy of the management recommendations be qualified by means of further monitoring to confirm stability.

Please note that the footing of the insured property fall within the anticipated rooting distance of additional vegetation which we

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believe presents a foreseeable risk of future damage and accordingly we have made recommendations in respect of this.

Is vegetation likely to be a contributory factor in the current damage?	Yes
Is vegetation management likely to contribute to the future stability of the property?	Yes
Is replacement planting considered appropriate?	Yes
Would DNA profiling be of assistance in this case?	No

6.0 Recommendations

6.1 Current Claim Requirements

These recommendations may be subject to review following additional site investigations.

Tree No.	Species	Age Cat	Approx. Height (m)	Distance to Building (m) *	Ownership	Action	Requirement
T1	Oak	2	21	11	A - Third Party Fair Lawns Coleshill Lane Winchmore Hill Amersham HP7 0NT	Remove	Remove close to ground level; do not treat stump due to translocation risk, we advise any emergent regrowth to be removed annually.

Age Cat: 1 = Younger than property; 2 = Similar age to the property; 3 = Significantly older than property

* Estimated

6.2 Future Risk Recommendations

These recommendations may be subject to review following additional site investigations.

Tree No.	Species	Age Cat	Approx. Height (m)	Distance to Building (m) *	Ownership	Action	Requirement
C1	Wisteria	1	4	1	A - Third Party Lynwood Coleshill Lane Winchmore Hill Amersham HP7 0NS	Action to avoid future risk	Do not allow to exceed current dimensions by way of regular pruning. Trained on raised trellis.
H1	Cypress	1	2	4.5	A - Third Party Fair Lawns Coleshill Lane Winchmore Hill Amersham HP7 0NT	Action to avoid future risk	Do not allow to exceed 3.5m max height.
HG1	Hazel (Common)	1	3	10	D - Unknown	No action	No works.
SG1	Mixed species shrubs: Species include; Cotoneaster, Hypericum & Euonymus.	1	1.5	4	A - Third Party Fair Lawns Coleshill Lane Winchmore Hill Amersham HP7 0NT	No action	No works.
TG1	Mixed Species Group: Species include; Hazel & Blackthorn.	1	5	14	D - Unknown	No action	No works.

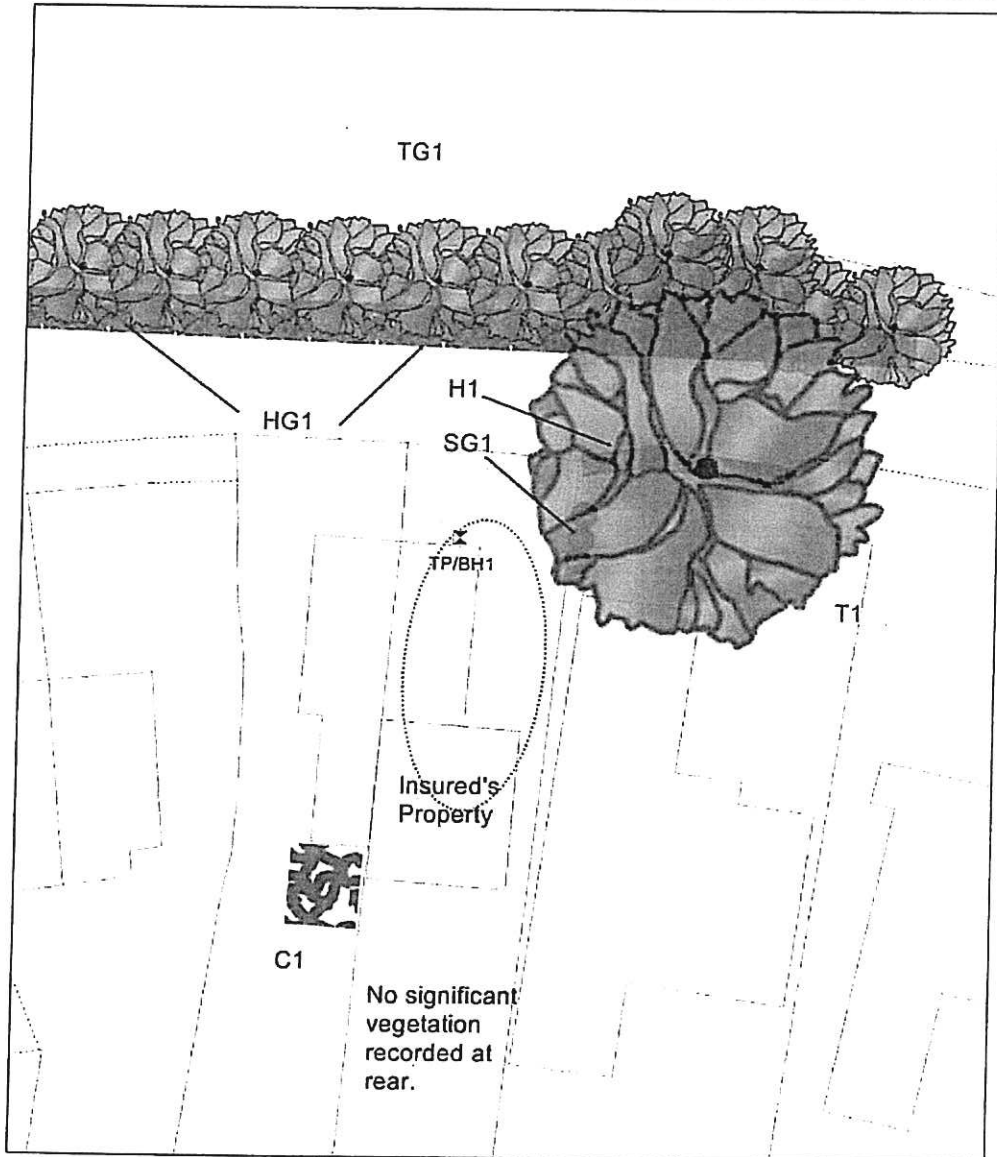
Age Cat: 1 = Younger than property; 2 = Similar age to the property; 3 = Significantly older than property

* Estimated

Third party property addresses should be treated as indicative only, should precise detail be required then Environmental Services can undertake Land Registry Searches

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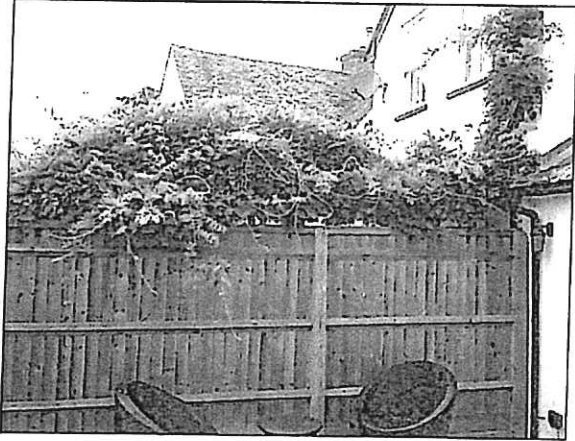
7. Site Plan



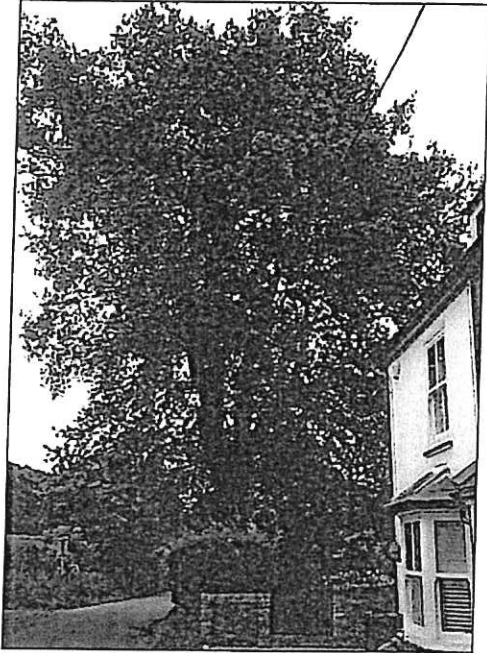
Please note that this plan is not to scale. OS Licence No. 100043218

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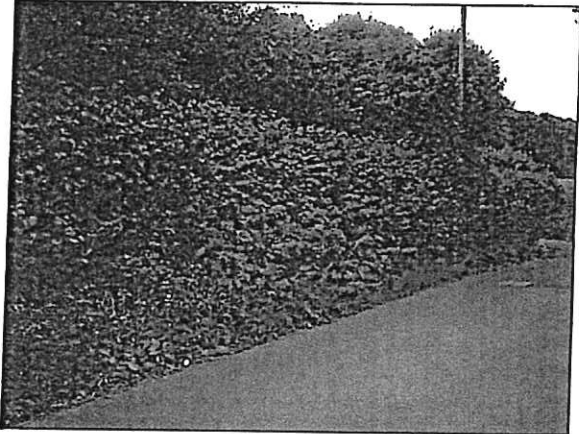
8. Photographs



C1 - Wisteria



T1 - Oak



HG1 - Hazel (Common)

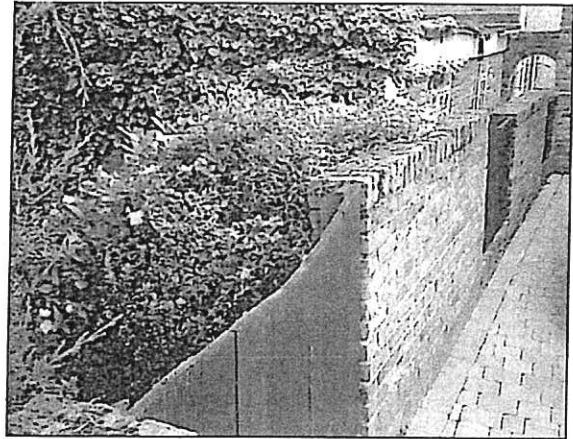


TG1 - Mixed species group

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H1 - Cypress



SG1 - Mixed species shrubs

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Date: 20/07/2017

Property: Webbers Cottage, Coleshill Lane, Amersham, HP7 0NS

9. Tree Works Reserve - Does not include recommendations for future risk.

Insured Property Tree Works	
Third Party Tree Works	£0.00
Provisional Sum	£0.00

- The above prices are based on works being performed as separate operations.
- The above is a reserve estimate only.
- Ownerships are assumed to be correct and as per Section 6.
- A fixed charge is made for Tree Preservation Order/Conservation Area searches unless charged by the Local Authority in which case it is cost plus 25%.
- Should tree works be prevented due to statutory protection then we will automatically proceed to seek consent for the works and Appeal to the Secretary of State if appropriate.
- All prices will be subject to V.A.T., which will be charged at the rate applying when the invoice is raised.
- Trees are removed as near as possible to ground level, stump and associated roots are not removed or included in the price.
- Where chemical application is made to stumps it cannot always be guaranteed that this will prevent future regrowth. Should this occur we would be pleased to provide advice to the insured on the best course of action available to them at that time. Where there is a risk to other trees of the same species due to root fusion, chemical control may not be appropriate.

10. Limitations

This report is an appraisal of vegetation influence on the property and is made on the understanding that that engineers suspect or have confirmed that vegetation is contributing to clay shrinkage subsidence, which is impacting upon the building. Recommendations for remedial tree works and future management are made to meet the primary objective of assisting in the restoration of stability to the property. In achieving this, it should be appreciated that recommendations may in some cases be contrary to best Arboricultural practice for tree pruning/management and is a necessary compromise between competing objectives.

Following tree surgery we recommended that the building be monitored to establish the effectiveness of the works in restoring stability.

The influence of trees on soils and building is dynamic and vegetation in close proximity to vulnerable structure should be inspected annually.

The statutory tree protection status as notified by the Local Authority was correct at the time of reporting. It should be noted however that this may be subject to change and we therefore advise that further checks with the Local Authority **MUST** be carried out prior to implementation of any tree works. Failure to do so can result in fines in excess of £20,000.

Our flagging of a possible recovery action is based on a broad approach that assume all third parties with vegetation contributing to the current claim have the potential for a recovery action (including domestic third parties). This way opportunities do not "fall through the net"; it is understood that domestic third parties with no prior knowledge may be difficult to recover against but that decision will be fully determined by the client.

A legal Duty of Care requires that all works specified in this report should be performed by qualified, arboricultural contractors who have been competency tested to determine their suitability for such works in line with Health & Safety Executive Guidelines. Additionally all works should be carried out according to British Standard 3998:2010 "Tree Work. Recommendations".

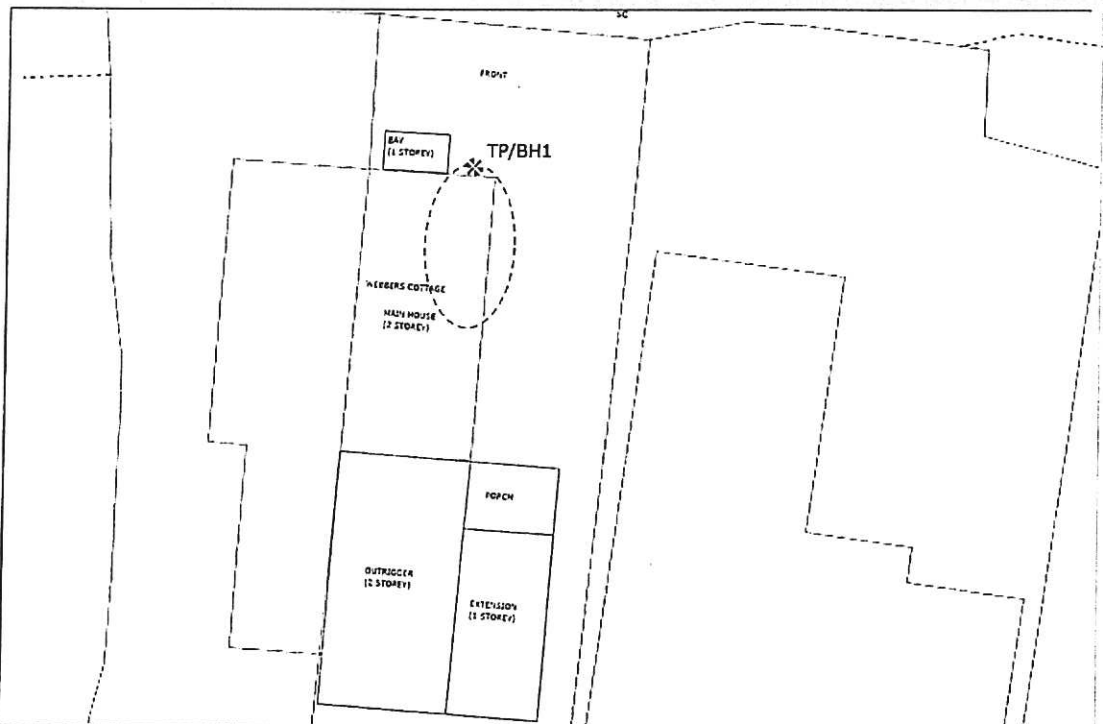
GEOTECHNICAL

for Subsidence Management Services

Webbers Cottage, Coleshill Lane, Amersham, HP7 0NS

Client: Subsidence Management Services
 Client Contact: [REDACTED]
 Client Ref: [REDACTED]
 Policy Holder: [REDACTED]
 Report Date: 17 July 2017
 Our Ref: [REDACTED]

Site Plan

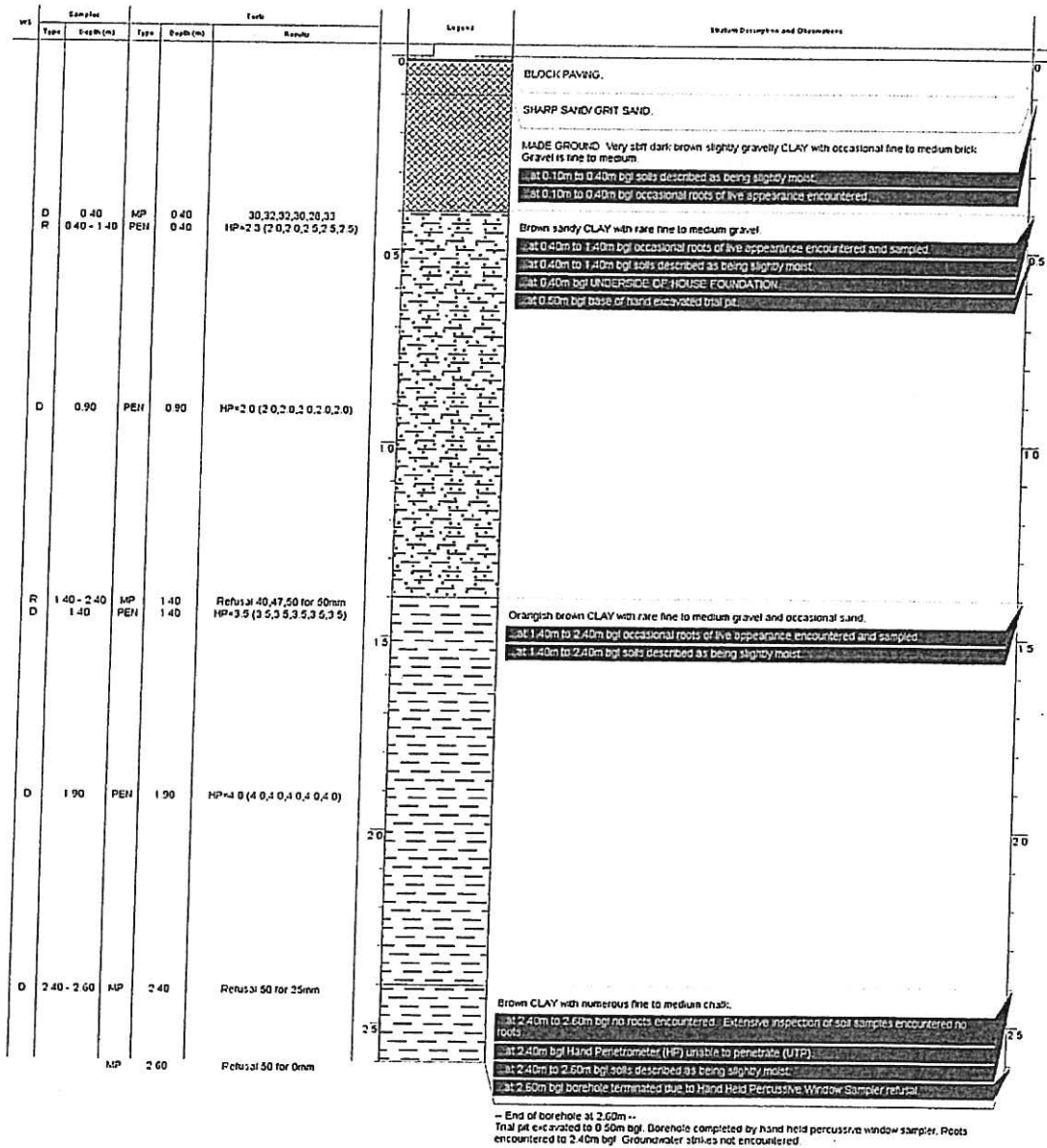
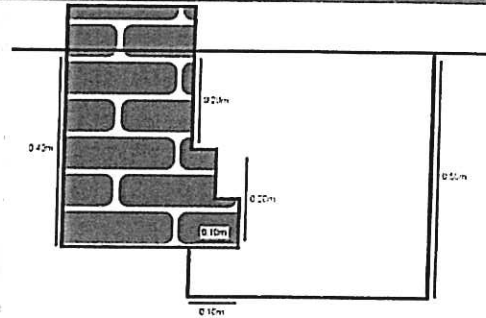


	Borehole		Equal Water Drain		Foul Manhole		Foot Road/Blind Point		Foul Vent Pipe
	Rain Water Boys Inlet		Surface Water Drain		Rain Water Manhole		Surface Road/Blind Point		Rain Water Gully
	Trench		Combined Drain		Combined Manhole				

TP/BH1 Foundation Detail and Borehole Log

Foundation Detail

House foundation comprised of brick wall to 200mm bgl, bearing on stepped brickwork to 400mm bgl with a total projection of 100mm from the elevation. Underside of foundation (USF) was exposed to 100mm back from the face of the foundation and probed 600mm back from the face of the foundation.



Site Observations

GENERAL:

Site Investigation works (TP/BH 1) undertaken on 22 June 2017 during dry weather (i.e. no rain).

HEALTH AND SAFETY:

Negative signal obtained in Power and Radio and Genny mode on the Cable Avoidance Tool (CAT) (TP/BH 1).

FOUNDATIONS:

House foundation was exposed and the underside of foundation (USF) recorded to be 0.40m bgl (TP/BH 1).

BOREHOLE:

Hand Held Percussive Window Sampler refusal at 2.60m bgl due to (chalk) within the clay (TP/BH 1). Borehole terminated. No further works undertaken.

ROOTS:

Roots encountered to 2.40m bgl (TP/BH 1).

INSITU TESTING:

Mackintosh Probe (MP) undertaken at 0.40m bgl (TP/BH 1) within the hand excavated trial pit and thereafter in the window sample borehole at maximum 1.00m intervals.

Hand Penetrometer (PEN) undertaken at 0.40m bgl (TP/BH 1) within the hand excavated trial pit and thereafter in the window sampler at maximum 0.50m intervals.

WATER STRIKES:

No water strike/s (NWS) encountered (TP/BH 1).

The groundwater observations do not necessarily indicate equilibrium conditions. It should be appreciated that groundwater levels are subject to both seasonal and weather induced variations. Other effects such as construction activities may also change groundwater levels.

SOIL ANALYSIS

for Subsidence Management Services

Webbers Cottage, Coleshill Lane, Amersham, HP7 0NS

Client: Subsidence Management Services

Client Contact:

Claim Number:

Policy Holder:

Report Date: 6 July 2017

Our Ref:

Laboratory Ref:

Compiled By:

Checked By:

Date samples received: 23 June 2017

Moisture Content Test Date: 23 June 2017

Atterberg Limits Test Date: 30 June 2017

Oedometer Test Date: 6 July 2017

Notes relating to soils testing

Unless otherwise stated, all soils testing was undertaken at Environmental Services' soils laboratory at unit 10H Maybrook Business Park, B76 1AL.

Soil samples have been prepared in accordance with BS1377:Part 1: 1990 Section 7

Descriptions of soil samples within the laboratory have been undertaken generally in accordance with BS5930:1999

Following the issue of this soil analysis report, samples will be retained for 1 month should additional testing, or referencing, be required. It should be noted that any tests undertaken on soils retained subsequent to the issue of this report may not give an accurate indication of the in-situ conditions of the sample.

Natural Moisture Content Tests are undertaken in accordance with ISO 17892:Part 1:2014

The Liquid Limit test is undertaken in accordance with BS1377:Part 2:1990 Section 4.4

The Plastic Limit test and the determination of the Plasticity Index is undertaken in accordance with BS1377:Part 2:1990 Section 5

The Oedometer swell/strain test method is based upon BS1377:Part 5:1990 Section 4.4 'Determination of swelling and collapse characteristics' and unless otherwise stated is undertaken on a remoulded, disturbed, sample.

The Oedometer Swell/Strain Test is undertaken in a controlled environment within a temperature range of 16°C and 24°C

The uncertainty of measurement for the displacement transducers is within 0.002mm, typically 0.1% of the range of consolidation and swell of a sample, and the deformation of the consolidation apparatus typically at around 0.15% of the consolidation of a sample and adding these to other human factors the accuracy of the quoted strain measurement in an individual test is deemed to be within +/- 2.5%.

This Soil Analysis Report may not be reproduced, in part or in full, without written approval of the laboratory.

Note

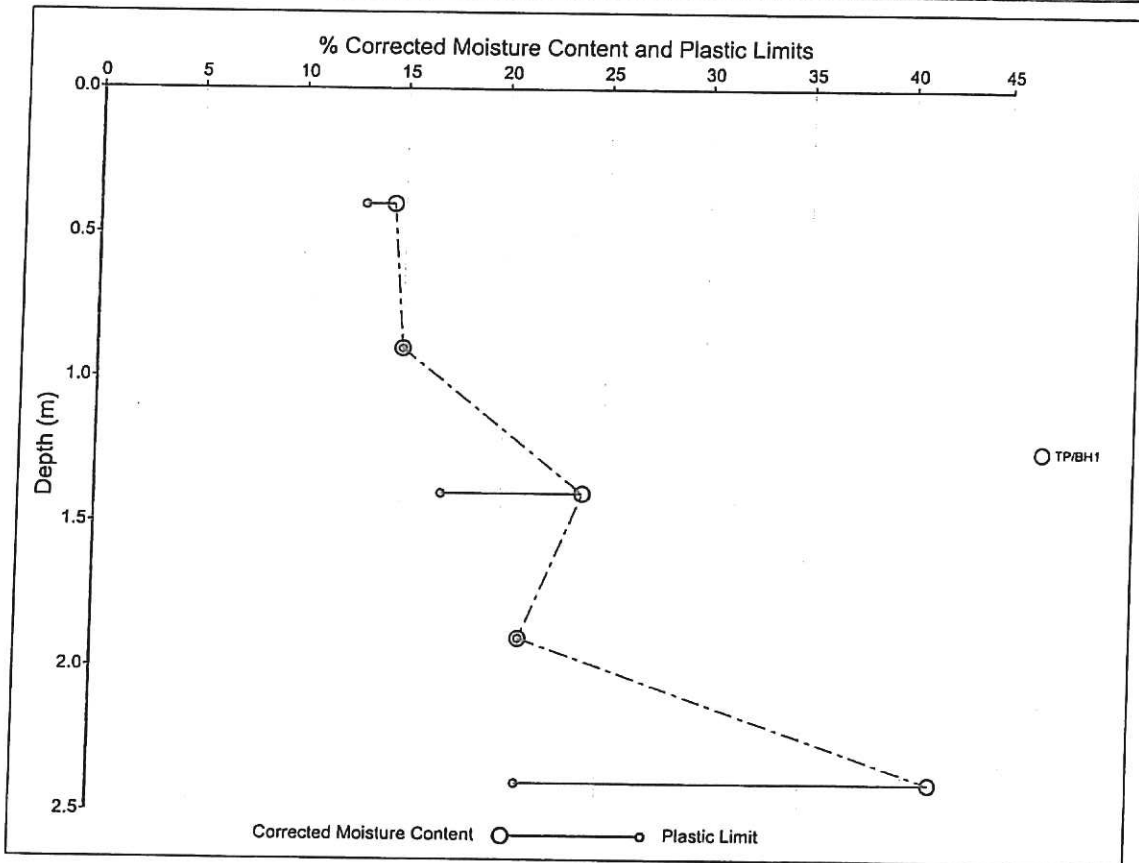
Where appropriate moisture contents have been corrected to demonstrate the equivalent moisture content following the sample being passed through a .425 mm sieve for comparison with the Liquid & Plastic Limit. Where this is not available, uncorrected moisture contents have been used in the graph on the following page.

Deviations to testing schedule:

All testing has been undertaken in line with the soils testing schedule provided

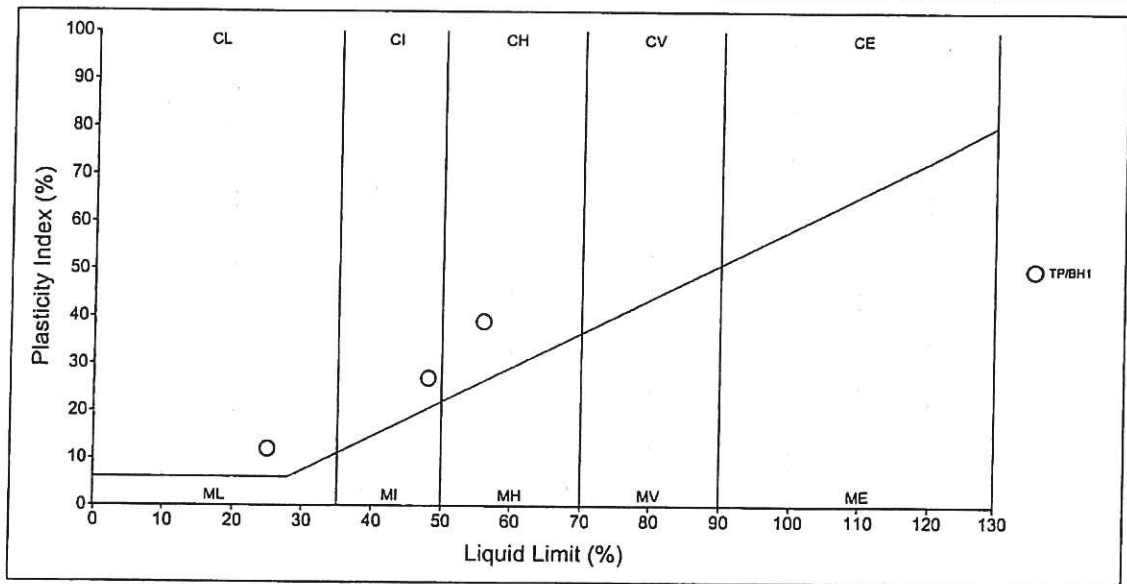
Lab Ref	Depth (m)	MC (%)	Corr MC (%)	LL (%)	PL (%)	PI (%)	% Passing .425mm
Samples from TP/BH1							
001	0.40	12	14	25	13	12	83
002	0.90	15					
003	1.40	24	24	56	17	39	100
004	1.90	21					
005	2.40	36	41	48	21	27	87

Corrected Moisture Content and Plastic Limits Graph



Lab Ref	Depth (m)	Description	BS:5930	NHBC Chapter 4,2
Samples from TP/BH1				
001	0.40	Soft brown sandy slightly gravelly CLAY . Gravel is fine and medium.	CL	Low
002	0.90	Soft brown sandy CLAY with rare gravel. Gravel is fine and medium.		
003	1.40	Soft brown/orange-brown mottled sandy CLAY with rare gravel. Gravel is fine	CH	Medium
004	1.90	Firm orange-brown/grey-brown mottled sandy CLAY with rare gravel and chalk. Gravel is fine, mdium and coarse.		
005	2.40	Very soft light brown/white mottled clayey slightly gravelly CHALK (with gravel of chalk). Gravel is fine and medium.	CI	Medium

Plasticity Chart for Casagrande Classification

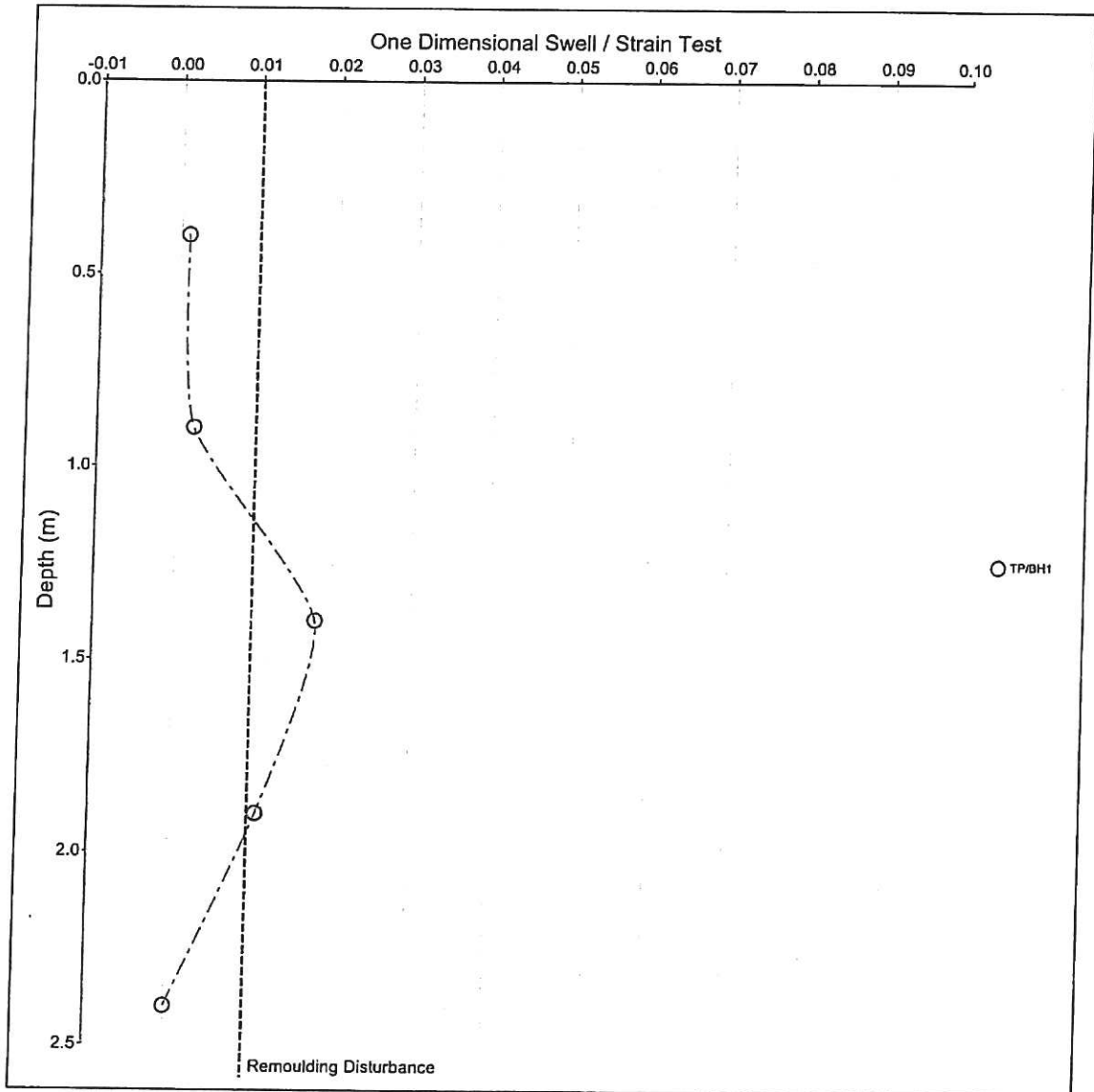


Summary of Oedometer Testing

Lab Ref	Depth (m)	Strain	Dd (mm)	Remarks
Samples from TP/BH1				
001	0.40	0.0010	0.2	
002	0.90	0.0022	0.6	
003	1.40	0.0180	4.5	
004	1.90	0.0110	2.8	
005	2.40			Sample too soft for preparation

TP/BH1 Dd Total: 8.0mm

Oedometer Strain



References and Interpretation

The following provides a brief interpretation of the test results by comparison of the results to published classifications. The Atterberg Limit test may be used to classify the plasticity of soils; the plasticity classes defined in BS5930:1999 "Code of Practice for Site Investigations" are as follows.

CL (ML)	CLAY and CLAY/SILT of Low plasticity
CI (MI)	CLAY and CLAY/SILT of Intermediate plasticity
CH (MH)	CLAY and CLAY/SILT of High plasticity
CV (MV)	CLAY and CLAY/SILT of Very High plasticity
CE (ME)	CLAY and CLAY/SILT of Extremely High plasticity
O	The letter O is added to prefixes to symbolise a significant proportion of organic matter.
NP	Non-plastic

The Plasticity Index (PI) Result obtained from the Atterberg Limit tests may also be used to classify the potential for volume change of fine soils, in accordance with the National House Building Council's standards - Chapter 4.2 (2003) "Building Near Trees", as summarised below.

Modified PI < 10	Non Classified.
Modified PI = 10 to <20	Low volume change potential.
Modified PI = 20 to <40	Medium volume change potential.
Modified PI = 40 or greater	High volume change potential.

The 2003 edition of Chapter 4.2 also permits use of the Plasticity Index without modification. The classifications for this are grouped by soil type (soils with similar visual soils description and using unmodified Plasticity Indices.

ROOT IDENTIFICATION

for Subsidence Management Services

Webbers Cottage, Coleshill Lane, Amersham, HP7 0NS

Client: Subsidence Management Services
 Client Contact: [REDACTED]
 Claim Number: [REDACTED]
 Client Reference: [REDACTED]
 Policy Holder: [REDACTED]
 Report Date: 29 June 2017
 Our Ref: [REDACTED]



Intec
 Parc Menai, Bangor,
 Gwynedd, North Wales
 LL57 4FG
 Tel: 01248 672652

Sub Sample	Species Identified		Root Diameter	Starch
TP/BH1:				
0.4-1.4m	<i>Quercus</i> spp.	1	1 mm	Abundant
1.4-2.4m	<i>Quercus</i> spp.	2	1 mm	Abundant

Comments:

- 1 - Plus 4 others also identified as *Quercus* spp.
- 2 - Plus 4 others also identified as *Quercus* spp.

Quercus spp. are oaks (both deciduous and evergreen).

Signed: G S Turner

Unless we are otherwise instructed in writing, the above sample material will normally be disposed of 6 years after the date of this report.

Webbers Cottage, Coleshill Lane, Amersham, HP7 0NS

MONITORING

LEVEL MONITORING

for Subsidence Management Services

Webbers Cottage, Coleshill Lane, Amersham, HP7 0NS

Client: Subsidence Management Services

Client Contact:

Claim Number:

Client Reference:

Policy Holder:

Report Date:

19 September 2019

Our Ref:

SubsNetuk

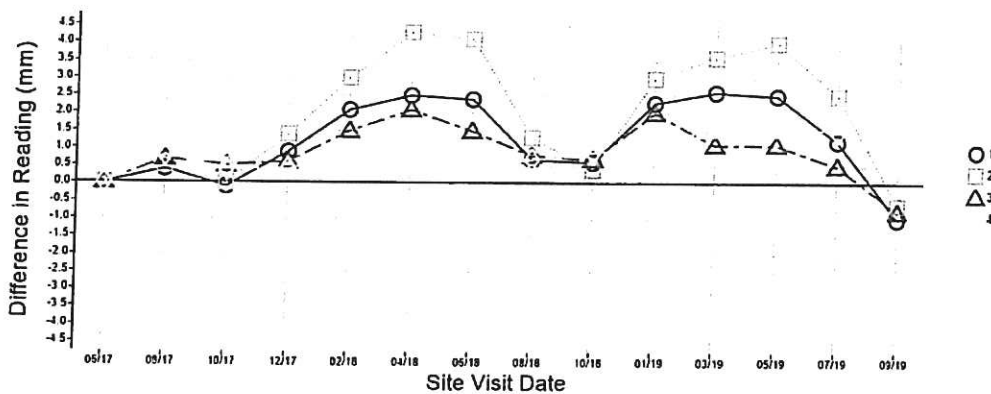
Level Monitoring Readings

The following table shows the reading levels of the various Level Monitoring Station points.

Date	1	2	3	4
26/06/2017	10.0168	9.9548	9.8966	9.8899
24/08/2017	10.0172	9.9553	9.8973	9.8907
30/10/2017	10.0167	9.9548	9.8971	9.8903
21/12/2017	10.0177	9.9562	9.8972	9.8903
12/02/2018	10.0189	9.9578	9.8981	9.8907
12/04/2018	10.0193	9.9591	9.8987	9.8911
11/06/2018	10.0192	9.9589	9.8981	9.8903
12/08/2018	10.0175	9.9561	9.8974	9.8906
13/10/2018	10.0174	9.9552	9.8973	9.8908
03/01/2019	10.0191	9.9578	9.8986	9.8909
07/03/2019	10.0194	9.9584	9.8977	9.8916
13/05/2019	10.0193	9.9588	9.8977	9.8916
09/07/2019	10.0180	9.9573	9.8971	9.8914
13/09/2019	10.0158	9.9542	9.8958	9.8908

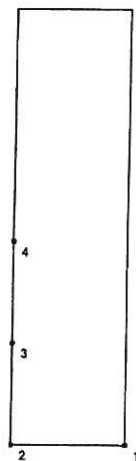
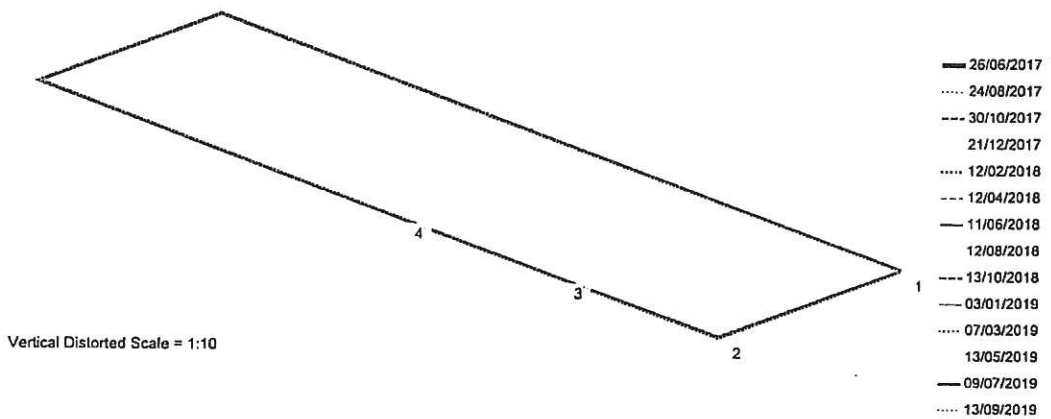
Level Monitoring Difference Graphs

The following graphs display the progressive movement that each Level Monitoring Station recorded at each separate site visit date to give an overall look at how much the property is moving.



Level Monitoring Displacement Map

The following image shows an isometric representation of the movement of the property, based on the Level Monitoring Stations that were installed.



FRONT

Site Visit Notes

Datum is a manhole surround within the road, it has an assumed of 10.0000m. Please advise if this is not acceptable or if a deep datum is required.

Site Visit: 3 January 2019

Similar movement to Feb 18 noted.

Claim Assessment Report

On behalf of Covéa Insurance

Report Date: 14 June 2017

Our Reference: [REDACTED]

Claim Reference: [REDACTED]

Policyholder: [REDACTED]

Risk Address: Webbers Cottage, Amersham, HP7 0NS



SITE PLAN NOT TO SCALE

This plan is diagrammatic only and has been prepared to illustrate the general position of the property and its relationship to nearby drains and trees etc. The boundaries are not accurate, and do not infer or confer any rights of ownership or right-of-way. OS images provided by Environmental Services. © Crown Copyright 2009. All rights reserved. Licence number 100043218

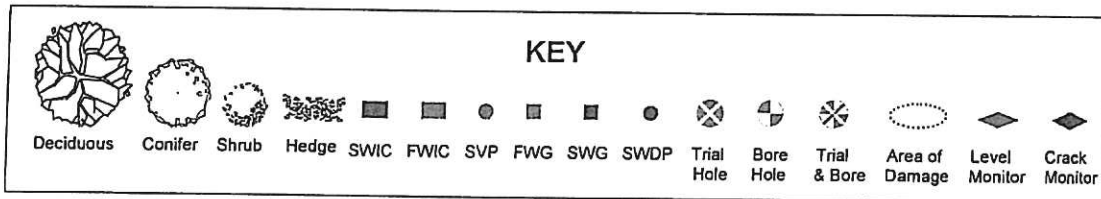
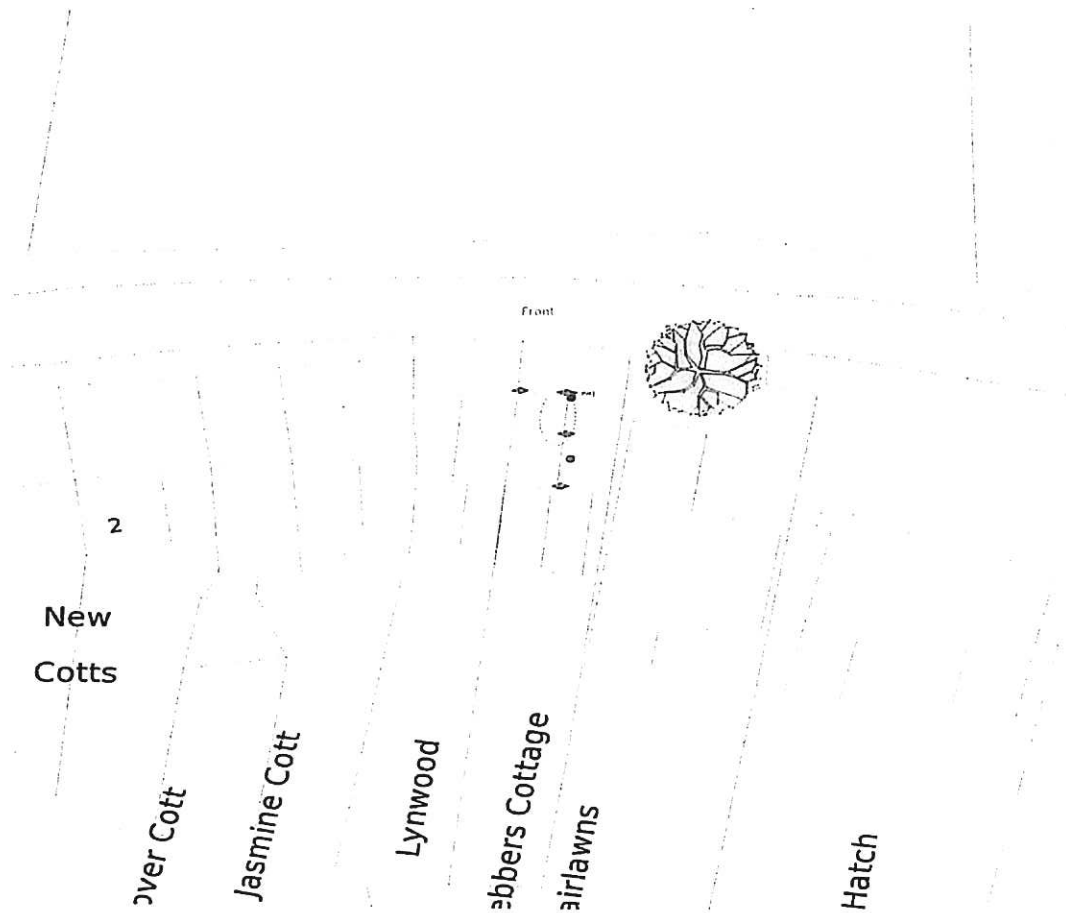


FIGURE 1 Site Plan

INTRODUCTION

We have been asked by your building Insurers to comment on suspected subsidence damage to the above property. Our report briefly describes the damage, identifies the cause and gives recommendations on the required remedial measures.

Our report should not be used in the same way as a pre-purchase survey. It has been prepared specifically in connection with the present insurance claim and should not be relied on as a statement of structural adequacy. It does not deal with the general condition of the building, decorations, services, timber rot or infestation etc.

Investigations have been carried out in accordance with the guidance issued by The Institution of Structural Engineers. All directions are given relative to an observer facing the front of the property. We have not commented on any part of the building that is covered or inaccessible.

CIRCUMSTANCES

Following the recent appearance of cracking, being concerned that the damage may be due to subsidence a claim for subsidence damage was submitted to insurers. Following the appearance of cracking shortly after purchasing the property the customer brought in a tradesman who completed repairs. The crack re-appeared later on in the year (August 2016) and the customer once again brought in a tradesman to completed repairs. On this occasion the plaster was taken off of the wall and evidence of cracking in the brickwork mortar was found, being concerned that the damage may be due to subsidence a claim for subsidence damage was submitted to insurers.

PROPERTY

The property is a three storey semi-detached house of traditional construction with rendered brickwork walls surmounted by a gabled tile covered roof.

The property has 4 bedrooms.

HISTORY

Date of Construction	1900
Purchased	2015
Policy Inception Date	25 September 2015
Damage First Noticed	01 August 2016
Claim Notified To Insurer	26 May 2017
Date of our Inspection	13 June 2017

ADEQUACY OF BUILDING SUM INSURED

The current building sum insured is considered adequate

TOPOGRAPHY

The site slopes gently downwards from front to rear.

GEOLOGY

Reference to the 1:50,000 scale British Geological Survey suggests the Superficial geology of the site is unknown which overlies a Bedrock geology of Chalk Including Red Chalk.

VEGETATION

The following vegetation was recorded as being within potential influencing distance of the property:-

Type	Height	Distance	Owner
Oak	30m	5m	Neighbour

DAMAGE RELATING TO THE CLAIM

The following is a summary of the damage relating to the Insurance claim, including any unrelated damage in the same vicinity, with supporting photographs where appropriate.

INTERNALLY

Second floor loft bedroom

Cracking in the brickwork mortar to the left hand wall.

Dining Room

Plaster cracking above and below the left hand window.

Front Bedroom

Plaster cracking above and below the window.

Second Floor Bedroom

Cracking in the brickwork mortar to the left hand wall.

EXTERNALLY

Left Gable

There is evidence of previous repairs in the form of previous cracking running from ground to roof level. The previous cracking appears to have closed up forcing the repair out.

Front Elevation

Render cracking above the bay roof leading up to the front first floor bedroom window.

INVESTIGATIONS

SITE EXCAVATIONS

Site investigations will shortly be undertaken by a specialist contractor.



FIGURE 03 TP tree

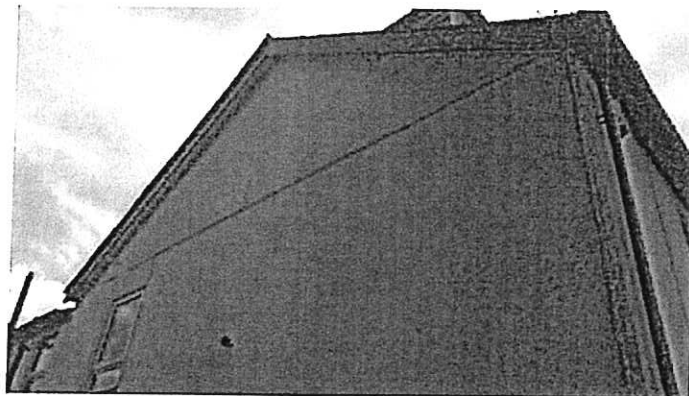


FIGURE 04 Previous repairs

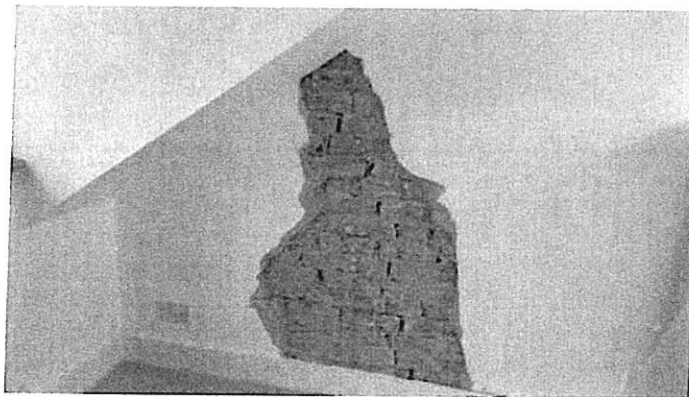


FIGURE 05 Second floor bedroom

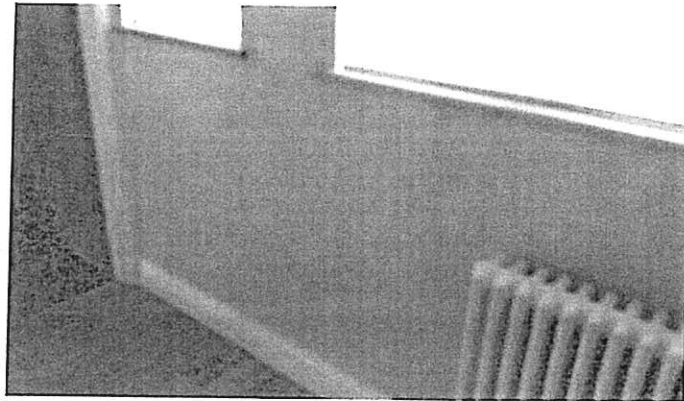


FIGURE 06 Rear reception room

MONITORING

6 level visits will be undertaken at 8-week intervals.

DISCUSSION

The diagonal aspect of the cracks, together with the fact that they increase in width with height is indicative of subsidence as a result of shrinkage of the clay subsoil due to the moisture extracting influence of the nearby Oak.

REQUIREMENTS

In order to stabilise the property and prevent further damage occurring in the future, the cause of the movement needs to be addressed, with site investigations being required.

Following completion of tree management works, the property may still need to be monitored to confirm stability.

Provided the property stabilises as expected, no foundation stabilisation works are considered necessary, with structural repairs of the superstructure being required only, together with internal redecoration of the damaged rooms.

Douglas Johnson
Subsidence Specialist
Subsidence Management Services

