

18/07538/FUL

Consultations and Notification Responses

Ward Councillor Preliminary Comments

Councillor Paul Turner - I note that this has been called to Committee by Cllr Mallen. If you are minded to approve, I would like the opportunity to review your recommendation prior to a final decision being made.

Councillor Mrs Wendy J Mallen - Please can this application be brought to the Planning Committee if you are minded to approve, as I have received emails from residents objecting to this application on the grounds of Road Safety and protecting the Conservation area from over urbanisation.

Parish/Town Council Comments/Internal and External Consultees

Downley Parish Council (original plans)

Comments: Customer objects to the Planning Application

A previous planning application for the same property (17/06516/FUL) was rejected, with the decision being upheld on appeal, citing poor visibility splays that left it unsuitable for a road with a 60mph limit. The splays have been improved with this proposal, but still fail to meet national standards.

Furthermore, prior to installation of these gates (Mar 2016) the original entrance was smaller and more discrete. The current and proposed entrance is excessively large, representing an unsuitable suburbanisation of Downley Conservation area.

The proposed designs reflect what the Chilterns Conservation Board "Buildings Design Guide" refer to as an unfortunate trend of the dominant & large driveways.

It is for these reasons that Downley Parish Council strongly object to this application.

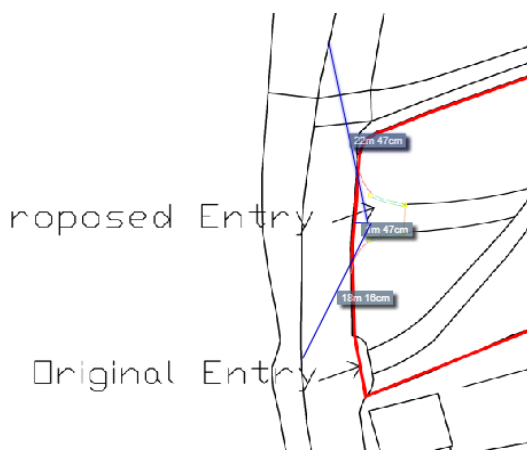
(Amended plans)

The Parish Council would like the following objection considered when deciding this application –

The note of 30th Oct from Highways Development Management states that that the appeal decision notice for application 17/06516/FUL "the gates and front entrance wall would not be detrimental to highway safety". This missed a key element of the Appeal document relating to 17/06516/FUL (Ref: APP/K0425/D/18/3193279) that clearly states in point 12 "The visibility splays do not meet the standards for a road subject to the national speed limit."

Downley Parish Council feel that any application that fails to meet the standards crucial for road safety cannot be approved by Council as it will leave the Parishioners of Downley worse off and with sub-standard safety.

This is backed up by Bucks CC Manual for Streets that is clear on these matters. In "Visibility splays at junctions" (7.7) clearly defines the expectations that on a road subject to national speed limit, the stopping sight distance (SSD) is 56 metres (ref table 7.1, p91). Using the requirements outlined in 7.7 of MfS for splays on a bend, the proposed plans fail to meet the required 1.5m x



56m, as the splays are 1.5m x 22m (north) and 1.5m x 18m (south).

Given that the objections in point 12 of the Appeal document ("The visibility splays do not meet the standards for a road subject to the national speed limit") and the expectations set out in MfS are similarly not met, it feels unsuitable that these matters are overlooked.

The MfS foreword outlines "the value of a clear and well-connected street network, well defined public and private spaces, and **streets that can be used in safety by a wide range of people.**" As such, the planning issue should focus on the safety and corresponding duty of care owed to wider community of road users and the safety of the community, rather than trying to work with the applicant in isolation.

DPC are also keen to stress that whilst road safety is important, this property sits within Chilterns AONB. DPC would like it noted that under Wycombe District Local Plan to 2011 (the local plan), Policy L1 states that development in the Chilterns AONB will not be permitted if is likely to damage the special character, appearance or natural beauty of the area.

The Chiltern Conservation Board publication the Chilterns Buildings Design Guide states in 3.89 that "Entrance gates should be simple and visibly permeable and ornamental railings should be avoided" and goes on to state that elaborate entrances should be avoided. Given this, the proposed design is overly elaborate when compared to the original gates and also contains ornamental railings that, in the words of CCB "should be avoided".

The small number of properties in Plomer Green Lane with curved brick walls at their entrances are not on the same scale as those proposed and the suggested design is not typical of the area or desirable within AONB. The Downley Village Design Statement contains a clear recommendation that "Whilst there is no cohesive style, there is a distinct character in the village of 'understatement'." The walls, piers and large finials, are not understated but overly ornate and jar with immediate surroundings of the conservation area and the wider rural area of the AONB.

The proposed plans do not meet with the principles for road splays laid out in the MfS, the design principles of the Chilterns Buildings Design Guide (and WDC's own Local Plan) or the Downley Village Design Statement and clearly have a harmful impact on the AONB and conservation area. There is no public benefit and serve to damage the special character and appearance of the conservation area and AONB.

Further comments –

A previous planning application for the same property (17/06516/FUL) was rejected, with the decision being upheld on appeal, citing poor visibility splays that left it unsuitable for a road with a 60mph limit. The splays have been improved with this proposal, but still fail to meet national standards.

Furthermore, prior to installation of these gates (Mar 2016) the original entrance was smaller and more discrete. The current and proposed entrance is excessively large, representing an unsuitable suburbanisation of Downley Conservation area.

The proposed designs reflect what the Chilterns Conservation Board "Buildings Design Guide" refer to as an unfortunate trend of the dominant & large driveways

County Highway Authority (original plans)

Comments: I note that the Highway Authority has provided previous comments for this site, most recently for application no. 17/06516/FUL, which in a response dated 18th July 2017; the Highway Authority raised objection to the proposals.

The Highway Authority previously had concerns regarding the visibility from the access point and the annexation of highway land. When assessing the plans submitted I note that the entrance wall

has been moved back from the carriageway edge by 1.5m. Therefore, visibility would be improved in comparison to the current situation.

In light of previous comments provided by the Planning Inspector in the appeal decision notice for application no. 17/06516/FUL; where it was deemed by the Planning Inspector that the gates and front entrance wall would not be detrimental to highway safety, I would not be in a position to recommend refusal in this instance given that this application proposes an improvement in visibility to that of the previous application and current situation.

Notwithstanding this, as previously noted by the Highway Authority, the highway boundary was not reinstated after the closing up of the previous access and instead a section of highway has been annexed with hedging and fencing. This situation should be addressed by cleared and returning the land in question to verge, or the applicant should apply for a stopping up order via Section 247/248 of the Town and Country Act 1990 or seek extinguishment of highway rights via a magistrate's court. In terms of the latter, only if the Highway Authority is satisfied that the land is not required to form part of the maintained network will the highway rights be extinguished upon it. As for the former, I am satisfied that this can be secured by way of condition.

Mindful of the above, the Highway Authority raises no objections to this application, subject to the following condition being included on any planning consent that you may grant:

Condition: All other existing access points not incorporated in the development hereby permitted shall be stopped up by removing the existing bellmouth and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

(Amended plan)

Comments: I write further to my comments dated 30th October 2018. Since my last response the applicant has submitted amended plans. My comments are given in reference to the information provided and should be read in conjunction with my aforementioned previous comments for this application.

The Highway Authority previously had concerns regarding the visibility from the access point and the annexation of highway land. When assessing the amended plans submitted I note that the entrance wall is proposed to be moved back a further 1.5m from the carriageway edge to that of the previous proposal. Therefore, visibility would be improved in comparison to the current situation and as such, I would like to reiterate comments made in my previous response:

In light of previous comments provided by the Planning Inspector in the appeal decision notice for application no. 17/06516/FUL; where it was deemed by the Planning Inspector that the gates and front entrance wall would not be detrimental to highway safety, I would not be in a position to recommend refusal in this instance given that this application proposes an improvement in visibility to that of the previous application and current situation.

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Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

Conservation Officer Spatial Planning (original plans)

Comments: The existing gates and flanking brick walls were considered at appeal. The Inspector noted: "the walls and piers, together with the large ball finials, are overly grand and ornate and present an incongruous suburban appearance in the immediate surroundings of the conservation area and the wider rural area of the AONB. On the basis of the information before me, it seems to me that they are higher than the ones serving the previous entrance. They have a harmful impact on the modest scale of the conservation area and there is no public benefit which weighs against this harm". The current proposals set the gate piers back from the road but otherwise does not overcome the issues previously raised. Consequently, the application must be amended to address the previous reasons for refusal before it can be supported in heritage terms.

Arboriculture Spatial Planning

Comments: From the plans/officer photos the re-sited iron fence appears to be closer to a roadside yew. Details as to how the construction can be achieved without harming the tree may be required. Please feel free to discuss.

(amended plans)

I have no objections in principle

Representations

One letter received on the original plans that stated they were not objecting to the application just to the way the grounds are maintained