



East Buckinghamshire Area Planning Committee agenda

Date: Tuesday 31 May 2022

Time: 6.30 pm

Venue: Amersham Council Chamber, King George V House, King George V Road,
Amersham HP6 5AW

Membership:

I Darby, M Fayyaz, M Flys, G Harris, C Jones, J MacBean, J Rush, M Stannard, L Walsh, J Waters (Chairman) and S Wilson

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Agenda Item	Page No
1 Apologies for absence	
2 Appointment of Vice-Chairman	
3 Declarations of interest	
4 Minutes of the previous meeting	3 - 6
To agree the minutes of the meeting held on 11 January 2022 as an accurate record.	
To agree the minutes of the meeting held on 18 May 2022 as an accurate record.	
Applications to be determined	
5 PL/21/4723/FA - Land Adjacent to Great Missenden Cemetery, Church Lane, Great Missenden, HP16 0QR	7 - 16
6 PL/22/0377/FA - 1 Grange Road, Chalfont St Peter, Buckinghamshire, SL9 9AH	17 - 30
7 Date of next meeting	
Tuesday 21 June 2022 at 6.30pm	

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For further information please contact: Rebecca Binstead on 01296 585244, email democracy@buckinghamshire.gov.uk.



East Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the East Buckinghamshire Area Planning Committee held on Tuesday 11 January 2022 in Amersham Council Chamber, commencing at 6.31 pm and concluding at 8.46 pm.

Members present

C Jones (Chairman), I Darby, M Fayyaz, M Flys (Vice-Chairman), G Harris, J MacBean, R Matthews, J Rush, L Walsh, J Waters and S Wilson

Others in attendance

R Binstead, A-M Kenwood, M Shires and R Steele

Agenda Item

1 **Declarations of interest**

Councillor L Walsh: Application PL/21/2507/FA. Declared an interest that she was acquainted with the agent of the applicant, but not in any professional or close personal capacity. However, she made known that she had an open mind and she was not pre-determined on the matter.

2 **Minutes of the previous meeting**

The minutes of the East Buckinghamshire Area Planning Committee meeting held on 16 November 2021 were agreed as a correct record.

3 **PL/20/0586/FA Winkers Farm Club, Denham Lane, Chalfont St Peter, Buckinghamshire, SL9 0QJ**

Redevelopment of site to provide 14 dwellings with access, parking and landscaping.

Speaking as objector: Mr James Greaves

Speaking as the agent: Mr Thomas Rumble

Following a full debate, Members voted in favour of the motion to delegate to the Director of Planning, Growth & Sustainability to approve the application, subject to the conditions, informative, and a Section 106 Agreement.

It was proposed by Councillor J Rush and seconded by Councillor G Harris

Resolved: that the application be delegated to the Director of Planning and Environment for approval subject to the conditions, informative, and a Section 106 Agreement

4 PL/21/2507/FA Elizabeth Cottage, 6 Grimsdells Lane, Amersham, Buckinghamshire, HP6 6HE

Demolition of existing dwelling and outbuildings and erection of 2 dwellings with vehicular access, landscaping and rear patios with raised terraces.

Speaking as objector: Mr Roger King

Speaking as the agent: Ms Alison Watts

Members voted unanimously in favour of the motion to refuse the application for the following reasons:

1. By reason that the scale, bulk and height of the dwelling on Plot 2 would have a negative impact on the amenity of the neighbouring property.
2. By reason of the overall scale of the new dwellings, and their height and bulk, the site would have an overdeveloped appearance, resulting in the proposal appearing overly prominent and intrusive and thus harming the character and appearance of the street scene.

It was proposed by Councillor L Walsh and seconded by Councillor J MacBean

Resolved: that the application be refused for the reasons above.

5 Date of next meeting

Tuesday 8 February 2022 at 6.30pm.



East Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the East Buckinghamshire Area Planning Committee held on Wednesday 18 May 2022 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF.

Members present

I Darby, D Dhillon, M Fayyaz, M Flys, G Harris, C Jones, J MacBean, M Stannard, L Walsh, J Waters and S Wilson

Agenda Item

1 Apologies

J Rush.

2 Election of Chairman

It was proposed by Councillor M Flys and seconded by Councillor I Darby.

Resolved: that Councillor J Waters be elected as Chairman of the Committee for the ensuing year.

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Report to East Area Planning Committee

Application Number:	PL/21/4723/FA
Proposal:	Change of use to lawn burial cemetery
Site location:	Land adjacent to Great Missenden Cemetery, Church Lane Great Missenden HP16 0QR
Applicant:	Buckinghamshire Council
Case Officer:	Emma Showan
Ward affected:	Great Missenden
Parish-Town Council:	Great Missenden
Valid date:	7 April 2022
Determination date:	2 June 2022
Recommendation:	Conditional permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application proposes the change of use of land to a lawn burial cemetery to facilitate the extension of the existing cemetery at St Peter and St Paul's Church in Great Missenden. The existing land is a grazing field.
- 1.2 The application has not been called in by a Local Councillor but as the application concerns land owned by Buckinghamshire Council, it cannot be determined under delegated powers, hence the application has been referred to the Planning Committee for determination.
- 1.3 The recommendation is to grant conditional permission.

2.0 Description of Proposed Development

- 2.1 The application relates to a site located in the open Green Belt and Chilterns Area of Outstanding Natural Beauty outside of Great Missenden. It concerns a parcel of land located adjacent to the existing cemetery associated with the Grade II Listed St Peter & St Pauls Church. The Church and cemetery are accessed via Church Lane that crosses the A413 with a public right of way also providing access from Chesham Road to the north. The parcel of land the subject of this application is currently a grazing field whose boundaries are a mixture of hedging and post and rail fencing. It is located to the north of the Church.
- 2.2 It proposes the change of use of the land to a lawn burial cemetery.

- 2.3 The existing lawn cemetery will be extended into the adjacent grazing field with the cemetery being laid out in a similar style to that which exists at present. The existing hedging and post-and-rail fencing would be retained and a wildflower meadow would be planted for the unused areas.
- 2.4 A new access way would be constructed to provide access to the new lawn cemetery areas. It would be constructed of a permeable material. Four new parking spaces would be provided, two of which would be marked for disabled parking.
- 2.5 Plots for 480 full burials and 960 cremated remains would be provided.
- 2.6 The application is accompanied by:
 - a) Design & Access Statement
 - b) Heritage Statement
 - c) Ecological Enhancements Plan
 - d) Ecological Habitats Plan
 - e) Ecological Impact Assessment
 - f) Landscape and Ecological Management Plan
 - g) Phase 1 Hydrogeological Risk Assessment

3.0 Relevant Planning History

- 3.1 CH/1998/1868/RC - Change of use of land from agriculture to cemetery, extension of access road and provision of car parking area for 2 vehicles; conditional permission.

4.0 Summary of Representations

- 4.1 Great Missenden Parish Council does not object.
- 4.2 No other representations received.

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), 2021.
- National Design Guidance, October 2019.
- Core Strategy for Chiltern District - Adopted November 2011.
- Chiltern Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011.

Principle and Location of Development in the Green Belt

Core Strategy Policies:

CS1 (The spatial strategy),

Local Plan Saved Policies:

GB2 (Development in general in the Green Belt)

LSQ1 (Development in the AONB)

- 5.1 The site is located within the open Green Belt where most development is inappropriate and there is a general presumption against such development. Chapter 13 of the NPPF emphasises the importance of Green Belts and states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 5.2 Specifically, Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new building as inappropriate in the Green Belt, but lists a

number of exceptions. Criterion (b) allows for the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

- 5.3 This position is supported by Local Plan Policy GB2 which also sets out that new buildings to provide essential facilities for cemeteries and other uses of land which preserve the openness of the Green Belt can be acceptable. This policy also allows for engineering and other operations and the making of material changes in the use of land which maintain openness and do not conflict with the purposes of including land in the Green Belt.
- 5.4 With respect to this proposal, it is proposed to change the use of a 0.78-hectare parcel of grazing land to allow for the extension of Great Missenden cemetery. The land would provide additional space for lawn burials. As per the provisions of the NPPF and Local Plan Policy GB2, the provision of a cemetery is an appropriate use in the Green Belt. Furthermore, it is not proposed to erect any new buildings or fencing as part of the proposal. Instead, the existing boundaries (post and rail fencing and hedging) would be retained. A new access way would also be provided but this would only link the existing cemetery to the extension and would link around the perimeter of the new plots. It would not entail the erection of any building work beyond the laying of permeable material. Therefore, the change of use in-of-itself is not considered to have a detrimental impact on openness and the development is acceptable in principle.
- 5.5 The site is also located in the Chilterns Area of Outstanding Natural Beauty (AONB), where, as per the provisions of the NPPF and Local Plan Policy LSQ1, development should conserve, and where considered appropriate and practicable, enhance the special landscape character and high scenic quality of the AONB.
- 5.6 Finally, the site is located within close proximity to the Grade II Listed St Peter & St Paul Church. In line with Local Plan Policy LB2, any proposed development or works within the vicinity of a Listed Building should not adversely affect the setting of that Listed Building.
- 5.7 All other relevant Development Plan policies should also be complied with.

Landscape Issues and Historic Environment

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS20 (Design and environmental quality)

CS22 (Chilterns Area of Outstanding Beauty)

Local Plan Saved Policies:

GC1 (Design of development)

LSQ1 (Chilterns Area of Outstanding Natural Beauty as defined on the Proposals Map)

LB2 (Protection of setting of Listed Buildings)

AS1 (Scheduled Monuments and other nationally important unscheduled archaeological remains)

AS2 (Other unscheduled archaeological remains)

- 5.8 The cemetery extension would be laid out in a similar style to the existing cemetery and would incorporate the planting of a wildflower meadow and provision of an access way and a small area to park four vehicles. The existing post-and-rail fencing and

hedging would be retained which would ensure that the site retains its tranquil and rural setting, and indeed the nature of the proposed use would also preserve the tranquil environment. Given that there is already a cemetery in this location, it is not considered that its extension would appear out of character or harmful to local views. No buildings are proposed and this will ensure that existing views are maintained.

- 5.9 Given the proximity of the site to the Grade II Listed Church, the Heritage Officer has been consulted and it is confirmed that whilst the proposal would result in a larger extent of burial land, it would not alter the setting of the identified heritage assets. No objections are raised in heritage terms.
- 5.10 The site is also located in the vicinity of a scheduled medieval ringwork (a form of fortified defensive structure) and Roman pottery finds have been recorded. The Archaeology Officer has stated, if planning permission is granted, a condition is recommended to require appropriate investigation, recording, publication and archiving of the results.
- 5.11 Overall, it is considered that the proposed cemetery extension would not be harmful to the local area or the setting of the heritage assets. A further condition requiring the approval of materials for the proposed access way would ensure that an appropriate material is used that is in keeping with the rural setting and heritage assets.

Amenity of existing and future residents

Local Plan Saved Policies:

GC3 (Protection of amenities)

GC7 (Noise-generating developments)

- 5.12 The site is located away from neighbouring dwellings. Nonetheless, given the nature of the proposed development, it is not considered to result in any harm to neighbouring amenities.

Transport matters and parking

Core Strategy Policies:

CS25 (Dealing with the impact of new development on the transport network)

CS26 (Requirements of new development)

Buckinghamshire Parking Guidance SPD, 2015

- 5.13 A new access way is proposed to link the existing cemetery with the new extension, but otherwise the access to the Church and cemetery will remain unchanged, so there is no objection regarding the proposal's impact on the highway.
- 5.14 Four new parking spaces are proposed to be provided within the extension, two of which would allow for disabled parking. These spaces are considered to have been appropriately located and laid out to serve future users. The other parking spaces serving the Church and cemetery would be retained.
- 5.15 Public access via the footpath to the north of the site would also remain unchanged.

Ecology

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

Local Plan Saved Policy:

NC1 (Nature Conservation)

5.16 It is not proposed to remove any hedging or trees and so there would not be any harm to local wildlife or biodiversity as a result of this proposal. A biodiversity enhancement plan has been submitted showing the inclusion of bird nest boxes and bat roosting boxes, in addition to hedgehog domes and wildlife planting. This will all ensure biodiversity net gain on site.

6.0 Weighing and balancing of issues / Overall Assessment

6.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

6.2 As set out above it is considered that the proposed development would accord with the development plan policies and the provisions of the NPPF and it is therefore recommended for conditional permission.

7.0 Working with the applicant / agent

7.1 In accordance with paragraph 38 of the NPPF (2021) the Council approaches decision-taking in a positive and creative way, taking a proactive approach to development proposals focused on solutions and working proactively with applicants to secure developments.

7.2 The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and, as appropriate, updating applications / agents of any issues that may arise in the processing of their application.

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 development shall take place, unless authorised in writing by the Planning Authority, until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the planning authority. The scheme of investigation shall be undertaken in accordance with the details and timescales approved by the planning authority.
Reason: To ensure that the proposal has no detrimental impact on the archaeological interest on site.
3. Prior to the erection of the access road and parking areas as shown on plan reference Cemetery Extension, Rev 3, details of the proposed hardstanding/materials for this access road and parking area shall be submitted to and approved in writing by the Local Planning

Authority. Thereafter, the access road and parking area shall be erected in accordance with these approved materials. The proposed materials should be permeable.

Reason: To ensure that the access road and parking area is appropriate for the rural setting in the Green Belt and location adjacent to the Grade II Listed Church and to ensure that the hardstanding used is permeable to prevent surface water flooding.

4. Prior to completion of the development hereby approved, the scheme of ecological enhancements shown on plan reference Ecological Enhancements Plan 1293 shall be implemented, unless an alternative scheme has first been approved in writing by the Local Planning Authority. The scheme of ecological enhancements shall be implemented and maintained in accordance with the approved plans.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy 24: Biodiversity of the Chiltern District Core Strategy.

5. This permission relates to the details shown on the approved plans as listed below:

List of approved plans:

<u>Received</u>	<u>Plan Reference</u>
10 Dec 2021	Ecological Enhancements Plan 1293
7 Apr 2022	Location Plan
10 Dec 2021	Cemetery Extension, Rev 3
10 Dec 2021	Site Survey E0520 - T

APPENDIX A: Consultation Responses and Representations

Councillor Comments

None.

Parish/Town Council Comments

Great Missenden Parish Council does not object.

Consultation Responses

Archaeology Officer: We conclude that the proposal may affect a heritage asset of archaeological interest because the proposed site is in the vicinity of a Scheduled medieval ring work and medieval and Roman pottery have been recorded.

If planning permission is granted for this development then it may harm a heritage asset's significance so a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 205. With reference to the NPPF we therefore recommend that any consent granted for this development should be subject to a condition along the following lines:

No development shall take place, unless authorised by the Planning Authority, until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

The archaeological investigation should be undertaken by a professionally qualified archaeologist working to the agreed written scheme of investigation based on our on-line template briefs and the form of trial trenching in the first instance

Heritage Officer: The heritage assessment is the impact on the setting of the listed building, the Church of St Peter and Paul. Along with any impact on the setting of the conservation area and registered park and garden. Uniquely located on the opposite side of the A413, vehicle access from the village to the church is via a bridge over this busy route. The typical 14th century church with the existing burial land to the north. The current proposal seeks to extend the area available for burials further to the north. And therefore whilst this would result in a larger extent of burial land it would not alter the setting of the identified heritage assets.

The application would not raise any heritage objection.

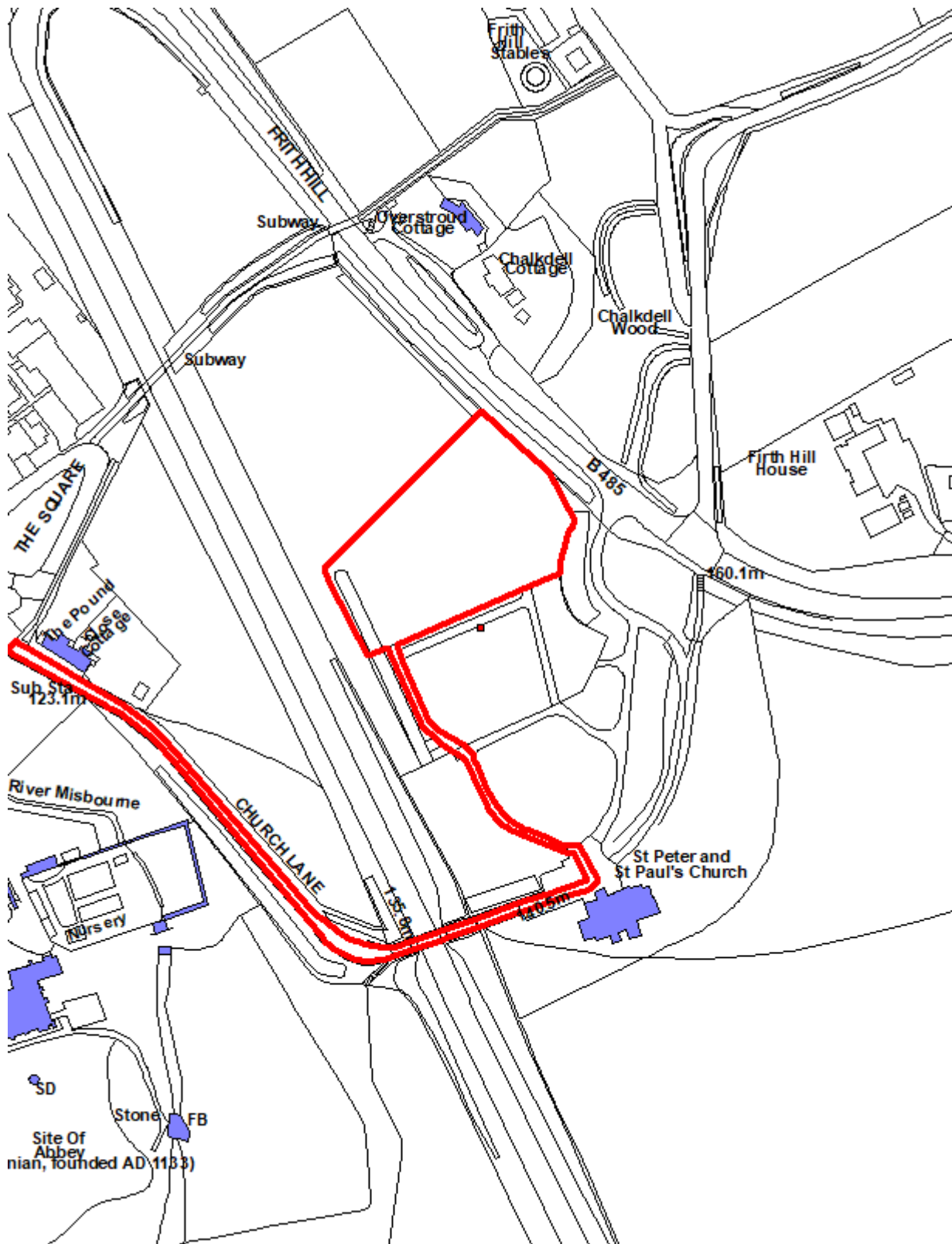
Strategic Access Officer: I have no comments from a rights of way perspective.

Representations

None received at time of writing report.

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APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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Report to East Area Planning Committee

Application Number:	PL/22/0377/FA
Proposal:	Erection of a detached single garage
Site location:	1 Grange Road Chalfont St Peter Buckinghamshire SL9 9AH
Applicant:	Mr M Machula
Case Officer:	Mr Mike Shires
Ward affected:	Chalfont St Peter
Parish-Town Council:	Chalfont St Peter
Valid date:	3 February 2022
Determination date:	3 June 2022
Recommendation:	Conditional permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application proposes the erection of a detached single garage to the Eastern side of the dwelling at 1 Grange Fields, together with an enlarged front driveway area to access the garage.
- 1.2 The application has been called to the Planning Committee by Councillor Rush. Councillor Rush is concerned about the tree situation on the site, resulting from the historic removal of trees by the original developer. This will be discussed in the report below.
- 1.3 The recommendation is to grant conditional permission.

2.0 Description of Proposed Development

- 2.1 The application relates to a site located in the built up area of Chalfont St Peter. It is a plot within the housing development approved on the former Holy Cross site, approved at outline stage in 2010 and at reserved matters stage, at appeal, in 2013. The site lies at the eastern edge of the wider development, and borders the ends of the rear gardens at Grange Fields to the East.
- 2.2 The proposed detached garage would measure 2.8m wide by 6.0m in length, and would have a pitched roof with a front and rear gable at a height of 4.1m. The existing driveway would be enlarged slightly, to curve around to access the new garage.

3.0 Relevant Planning History

- 3.1 There is considerable planning history to this site, as part of the former Holy Cross Convent. The following applications are the ones of most relevance to the current scheme:
- 3.2 CH/2010/0293/OA – Outline planning application to redevelop Holy Cross site. Granted conditional permission.
- 3.3 CH/2013/0293/DE – Reserved matters application for the redevelopment of the site to provide a mixed use comprising 194 dwellings (Use Class C3), of which 35% will be affordable housing; the retention of the existing bungalow adjacent to the graveyard; a 65 bed residential care home (Use Class C2); retention of existing chapel; retention and relocation of existing playing field together with provision of a network of permissive footpaths through the existing woodland for use by the public and provision of open space; and associated car parking (submission of details pursuant to outline planning permission CH/2010/0293/OA). Refused consent, but allowed at appeal. The Appeal Inspector attached a condition requiring Plot 1 (the current site at 1 Grange Road) to be redesigned and a new layout approved.
- 3.4 CH/2016/30200/COND – Application to discharge conditions for permission CH/2013/0293/DE. This included the revised layout for Plot 1. Approved.
- 3.5 CH/2017/1159/TP – Various works to trees across the wider Holy Cross site. In relation to the current plot, it included proposals for the following works to be carried out to the trees in group G25 adjacent to Plot 1: “Crown lift branches; fell southernmost horse chestnut; reduce height of penultimate tree from the south (sycamore) by 5m to a height of 13m.” Granted conditional permission.

4.0 Summary of Representations

- 4.1 The Parish Council objects due to tree issues. Six letters of objection have been received from three neighbouring properties, mainly commenting on tree issues. The full responses are set out in the Appendix.
- 4.2 The Council’s Tree Officer has submitted a detailed consultation response, explaining the history of the site in relation to the tree issues. He does not object, but comments that a fairly new tree to the front/side of the property should be replanted to the rear, to ensure its long term survival. The full response is also in the Appendix.

5.0 Policy Considerations and Evaluation

- Core Strategy for Chiltern District - Adopted November 2011.
- Chiltern Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011.
- Chalfont St Peter Neighbourhood Plan 2013 – 2028.
- National Planning Policy Framework (NPPF), 2021.
- National Design Guide, October 2019.
- Buckinghamshire Parking Guidance SPD, September 2015.
- Residential Extension and Householder Development SPD, September 2013.
- Sustainable Construction and Renewable Energy SPD, February 2015.

Landscape Issues and Trees

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS20 (Design and environmental quality)

Local Plan Saved Policies:

GC1 (Design of development)

GC4 (Landscaping)

TW3 (Resistance to Loss of Trees Covered By A Tree Preservation Order)

- 5.1 This report will look at the tree issue first, as it is of most concern to local residents and is the reason why the application has been called to the Planning Committee. The former Holy Cross site is covered by a blanket Tree Preservation Order (TPO) from 1974, protecting all the trees present when the order was made.
- 5.2 Planning permission was first granted in 2010, at outline stage, for the redevelopment of the former Holy Cross site, of which the current site is part. The associated reserved matters application was submitted in 2013 under reference CH/2013/0263/DE and was refused, although allowed at appeal. As part of the appeal, the Inspector raised some concerns about the impact of Plot 1 (now the application site, at 1 Grange Road) on protected trees and required, by a condition, a revised layout for Plot 1. The original layout showed a detached garage to the side/rear of Plot 1 although it should be noted that a main concern was a large turning head proposed at the front of the site, which would have required the loss of six protected trees. The Inspector's condition stated that a revised layout for the dwelling, any garage, and the driveway shall be approved by the LPA, showing the retention of some (not all) of the protected trees. It is pertinent to note that the Inspector's condition did not rule out the possibility of building a garage.
- 5.3 The revised layout for this plot was approved under conditions application reference CH/2016/30200/COND. This removed the garage and showed parking at the front of the property, as it is currently laid out. This consent also allowed for the removal of two trees; a sycamore to the front of the property and a cherry to the rear, which the Council could not object to, given the Inspector had only required the retention of some of the trees.
- 5.4 In 2017, the original developer applied for further various tree works, including the removal of a horse chestnut at the southern end of Tree Group G25 (to the front of the dwelling). This was the tree closest to the new house. Crown reduction was also proposed to the next tree along, a sycamore. The horse chestnut was not in perfect health and this application was approved, subject to a condition requiring a field maple to be planted in the rear garden, as a replacement for the horse chestnut. However, the developer then felled the sycamore as well as the horse chestnut. Discussions were ongoing to look at replacement planting, however the property was then sold.
- 5.5 In 2020, the original developer planted two additional trees to the front of the property. One was as a replacement for the sycamore that had been unlawfully felled. The other should have been the field maple in the rear garden (the subject of a condition on the 2017 tree works application), but was instead planted at the front. One of these trees is the one that would be immediately adjacent to the extended driveway area.
- 5.6 In summary, the original developer felled a sycamore without consent, but subsequently planted a replacement. The Council investigated this at the time and concluded the replacement planting was satisfactory. No other trees have been felled without consent. The neighbours refer to trees along the boundary with Grange Fields, however two trees were permitted to be felled (another sycamore and a cherry) under the 2016 application, and a further horse chestnut was allowed to be felled under the

2017 application. None of that felling was unlawful and this may have given rise to confusion in some of the letters received from neighbouring properties. Until last year, there was also a large Norway maple growing at the end of the adjoining garden of No. 4 Grange Fields, next to the protected trees on the other side of the fence. The maple was not protected by the TPO and was felled by the neighbouring property owner in 2021. This has reduced the screening, but that tree was not protected and was in a neighbouring garden.

- 5.7 Turning to the current application, no trees are to be felled or reduced in size. There are no trees along the side of the property, where the garage would be located, and indeed there were no trees here originally. In addition, no trees were required to be planted to the side of the dwelling under the various applications over the past few years and the comments received from neighbours in that respect are unfortunately incorrect. A further misunderstanding is that a garage was not allowed to be built here originally. That is not what the Appeal Inspector stated and indeed the condition requiring the layout of Plot 1 to be redesigned still allowed for a garage, but the developer chose to remove it.
- 5.8 The Tree Officer has raised no objections, but does comment that it would appear unlikely that the newer replacement tree next to the extended driveway would survive, given its proximity to the new hardsurface. He recommends a condition for it to be transplanted to the rear garden, which is where it was originally agreed to be located. Officers have proposed a slightly different condition, to ensure a new tree is planted in the rear garden, close to the Grange Fields boundary, but giving the flexibility of this either being the transplanted specimen, or a new tree, of a size and species to be agreed.
- 5.9 It is also important to note that the original Appeal Inspector's concerns regarding the trees related to the impact on the character of the area, and not in relation to them providing screening to protect the amenity of the properties on Grange Fields. That was also the original reason for the TPO in 1974, to protect the character of the area. Comments have been received from neighbours stating that their properties should be screened from the new development, but this was never the purpose of protecting trees here. The Inspector made it clear that the trees have a role in providing leafy surroundings for the properties, in terms of their character and setting, rather than them visually screening the new development proposed at the time.
- 5.10 Therefore, subject to a new tree being planted, or the existing newest tree being transplanted, the number of trees near this boundary would not be reduced. The leafy surroundings and character of the area would therefore be maintained.
- 5.11 Further conditions are proposed, to ensure the extended driveway area is of a permeable surface, to protect the existing trees. Further expansion of the hard surfacing is already restricted under a condition of the original permission.
- 5.12 A further important point to note, is that there is a fallback position. The Applicant could build a detached garage to the side of the property anyway, of the same footprint, as permitted development, without requiring express planning permission.

Raising the quality of place making and design

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

Local Plan Saved Policies:

GC1 (Design of development)

H13 (Extensions to dwellings in the built-up areas excluded from the Green Belt and in Policy GB4 and GB5 areas in the Green Belt - general policy)

H15 (Design and siting of extensions)

H17 (Distance between single storey side extensions and boundary of dwelling curtilage)

H20 (Ancillary residential buildings (domestic garages, workshops, etc.) in the built-up areas excluded from the Green Belt)

Neighbourhood Plan:

H7 (Design of residential extensions/alterations)

- 5.13 Local Plan Policy H20 states that ancillary residential outbuildings should be modest in size and subordinate in scale to the existing dwelling. Policy H7 of the Neighbourhood Plan states that extensions and alterations to residential properties should maintain the design, character and quality of the building.
- 5.14 The single garage proposed would be of a modest size, being just 16.8 sqm in area. Given its low eaves and ridge heights, it would also appear subordinate to the scale of the two storey dwelling. The design would reflect the form and appearance of the existing building, thereby maintaining its character.
- 5.15 Most of the houses along this street have detached garages to their sides and they are a feature of the street scene. The majority have pitched roofs with front gables and they are of a similar scale and appearance to the current proposal. The proposed garage would reflect the appearance of other garages in the street and would be tucked to the side of the dwelling, not appearing prominent in the public realm. As such, the proposed built form would not harm the character or appearance of the locality.
- 5.16 It is also important to note the fallback position identified above, in that a detached garage in this position could be erected as permitted development. Such a garage would have to be lower, with a flat roof at 2.5m high, which would not appear in keeping with the street scene. The design of the current proposal is far preferable to this fallback position.

Amenity of existing and future residents

Local Plan Saved Policy:

GC3 (Protection of amenities)

- 5.17 The proposed garage would be set away from the neighbouring dwellings. It would be sited close to the boundary with the properties along Grange Fields, but given its modest height and scale, it would not appear intrusive. As such, the garage would not result in any harm to the amenities of any neighbouring properties.
- 5.18 A comment has been received from the neighbouring property, stating that water runoff from the garage roof may damage the boundary fence. The garage is likely to have guttering but, in any event, any damage to neighbouring property is not a material planning consideration and would be a civil matter for the parties involved.

Transport matters and parking

Core Strategy Policies:

CS25 (Dealing with the impact of new development on the transport network)

CS26 (Requirements of new development)

Buckinghamshire Parking Guidance SPD, 2015

5.19 The proposed garage and driveway extension would add two parking spaces to the plot. No objections are raised in relation to parking provision or highway safety.

Flooding and drainage

Core Strategy Policy:

CS4 (Ensuring that development is sustainable)

Local Plan Saved Policy:

GC10 (Protection from flooding in the areas as defined on the Proposals Map)

Sustainable Construction and Renewable Energy SPD

5.20 Part of the site lies within a defined Area of Critical Drainage. These are areas, identified on the Strategic Flood Risk Assessment 2013 maps, which are likely to be the most at risk from flooding from surface water and where SuDS would be a priority.

5.21 A checklist is provided within the Sustainable Construction and Renewable Energy SPD, for developers to complete for proposals in these areas. However, this requirement does not extend to householder developments such as that currently proposed.

5.22 The plans show the new driveway area to be of a permeable surface, which would ensure that the development does not increase surface water runoff locally. Subject to a condition requiring the driveway to be permeable, no objections are raised in relation to flooding.

Ecology

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

Local Plan Saved Policy:

NC1 (Nature Conservation)

5.23 It is not proposed to remove any hedging or trees and so there would not be harm to local wildlife or biodiversity as a result of this proposal. A small area of lawn at the front would be lost for the proposed hardsurfacing, but this is low quality manicured grassland. Nonetheless, planning applications should show a net gain in biodiversity and this could be achieved by providing additional wildlife habitats within the site. Features such as bird nest boxes on the garage or wildlife planting would ensure that a biodiversity net gain could be achieved. A condition is proposed to ensure such features are provided.

6.0 Weighing and balancing of issues / Overall Assessment

6.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the Development Plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations.

6.2 As set out above it is considered that the proposed development, subject to the recommended conditions, would accord with the Development Plan policies and the

provisions of the NPPF. The application is therefore recommended for conditional permission.

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF (2021) the Council approaches decision-taking in a positive and creative way, taking a proactive approach to development proposals focused on solutions and working proactively with applicants to secure developments.
- 7.2 The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and, as appropriate, updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this case, whilst no pre-application advice was sought, the Applicant and Agent have been kept updated regarding the progress of the application.

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. The facing materials and roof tiles to be used in the external construction of the garage hereby permitted shall be of a similar visual appearance to the size, colour and texture of those of the existing dwelling.
Reason: To ensure that the external appearance of the building is not detrimental to the character of the locality.
3. The hard surfacing to provide the extended driveway hereby permitted shall be of a permeable material, or alternatively provision shall be made to direct water run-off from the hard surface to a porous or permeable area within the curtilage of the dwelling. The additional section of driveway shall only be constructed using a 'no-dig' method of construction.
Reason: To ensure that the additional hard surfacing does not impact on local surface water flooding and to ensure the health of the protected trees on the site.
4. A tree of a species, size and in a position which shall have been previously agreed in writing by the Local Planning Authority, shall be planted in the rear garden near the boundary with Grange Fields, not later than the first planting season following the date of the substantial completion of the development hereby approved. The tree shall be maintained thereafter and if, within a period of 5 years from the completion of the development, the tree dies, is removed or becomes seriously damaged or diseased, it shall be replaced in the next planting season, and in the same position, with a tree of the same size and species.
Reason: In order to maintain, as far as possible, the character of the locality.
5. Prior to the garage being brought into use, biodiversity enhancements shall be provided on the site in accordance with a scheme which has been previously submitted to and approved in writing by the Local Planning Authority. The scheme of ecological enhancements shall include measures such as additional bird boxes and wildlife planting. The measures shall be maintained in accordance with the approved details thereafter.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy 24: Biodiversity.

6. This permission relates to the details shown on the approved plans as listed below:

List of approved plans:

<u>Received</u>	<u>Plan Reference</u>
14/03/2022	22/0248/01 REV B

INFORMATIVES

1. In relation to Condition 4 above, the Applicant is advised that the transplanting of the existing new tree at the front of the property, adjacent to the edge of the new section of driveway, to the rear garden, would be acceptable pursuant to this condition. The condition is necessary as it is unlikely that the new tree would survive in its current position, being so close to the new driveway.
2. The Council is the Charging Authority for the Community Infrastructure Levy (CIL). CIL is a charge on development; it is tariff-based and enables local authorities to raise funds to pay for infrastructure.

If you have received a CIL Liability Notice, this Notice will set out the further requirements that need to be complied with.

If you have not received a CIL Liability Notice, the development may still be liable for CIL. Before development is commenced, for further information please refer to the following website <https://www.chiltern.gov.uk/CIL-implementation> or contact 01494 475679 or planning.cil.csb@buckinghamshire.gov.uk for more information.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Councillor Rush - A garage in this area was refused when Holy Cross site was developed. Upheld by Inspector. Trees should be reinstated for the benefit of Grange Field residents.

Chalfont St Peter Parish Council comments

We object to this application and support the residents of Grange Fields who are objecting. Having looked at the history of the site, the developers were not able to include a garage on this site because of the trees on the boundary with Grange Fields. On appeal the inspector requested a re-design of the plot as he regarded the loss of these trees would fundamentally affect this boundary. The Tree Officer stated in July 2017 when referring to plot No 1 -that there was a line of mature sycamore and horse chestnut trees protected by a TPO which formed an attractive gap that separated the development from Grange Fields and should be retained. Trees were subsequently removed and enforcement involved but closed the case because 2 trees were planted but these were not on the site of this now proposed garage. Bearing in mind that the original application recognised the importance of a tree here which meant the developers could not add a garage to this property, we believe that this application should be refused and a tree should be planted to provide this important screening which was recognised as being important to Grange Fields.

(Officer Note: To correct some misunderstandings above, no trees have been felled to the side of the property at any point, as there were no trees here originally. The replacement trees were not supposed to be located to the side of the dwelling. Also, the Appeal Inspector's original condition requiring the layout of this plot to be redesigned did not preclude the erection of a garage).

Consultation Responses

Tree Officer: Tree Preservation Order No 3 of 1974 protects all the trees that were present on the site at the time that the Order was made in 1974. The original house proposed on Plot 1 in the details application CH/2013/0263/DE for the development on the Holy Cross site had a garage adjacent to the boundary with Grange Fields that was situated behind the house but with a large turning head to the front of the house. This proposal would have required the loss of most of the horse chestnut and sycamore trees within the group G25 (G470 in original tree survey by Tom Moya Associates) along the side boundary to the front of the plot. This was a major concern of the Council and the residents of Grange Fields in the Public Inquiry about the application.

This application was allowed on appeal and the inspector included as condition 16: "Notwithstanding the details shown on the submitted plans, prior to any work taking place on Plot 1, an amended layout plan for Plot 1 shall be submitted to and approved in writing by the local planning authority. The revised layout plan shall show the relationship of the dwelling, any garage, and the driveway to trees within the proposed plot, including the retention of part of tree groups G470 and G474 along the eastern boundary. Development shall be carried out in accordance with the approved details."

CH/2016/30200/COND contained the revised proposals for this plot which included the removal of two trees – one in the group to the front of the house and one in the group in the rear garden. Since the condition required the retention of "part of [the] tree groups" rather than all of the trees in the groups, the Council could not reasonably require the retention of all of the trees in both groups.

A TPO application, CH/2017/1159/TP was submitted in June 2017 for work to various trees protected by the Tree Preservation Order on the Linden Homes part of the Holy Cross site. The application included proposals for the following works to be carried out to the trees in G25 adjacent to Plot 1: "Crown lift all pendulous branches to approx. 3m above ground level on W extents; [sever ivy; coppice hazel;] fell southernmost horse chestnut; reduce height of penultimate tree from the south (sycamore) by 5m to a height of 13m and the lateral branches by 4m to 3m from trunk."

At the time I had commented: The current application proposes the removal of the end horse chestnut, which is a smaller more suppressed tree and is growing adjacent to a Norway maple just within the garden of 4 Grange Fields, which would remain and still provide some screening. The larger sycamore is now shown for retention but with some crown reduction to reduce its impact on the new house. This change is likely to increase the screening from Grange Fields relative to that already approved under CH/2016/30200/COND.

The approval of this application included a condition requiring replacement planting for the end horse chestnut in G25 with a field maple in the rear garden of the plot.

On 31st August 2017 the tree works approved under CH/2017/1159/TP were started and both the end horse chestnut and the sycamore proposed for crown reduction in G25 were felled. The Council received various complaints and an enforcement case was started. The Council contacted both Linden Homes and the tree surgery company and there was some discussion about the submission of a detailed landscaping scheme as required under the conditions of CH/2017/0997/FA, which would show the necessary replacement planting for the two trees removed.

This proposed landscaping scheme was never submitted and the house was sold, meaning that any further enforcement action would need to be against the new house-owner rather than the developer. A further enforcement case was raised in 2019 about the failure to plant replacement trees and in September 2020 the enforcement officer wrote: "My understanding is that Linden Homes have carried out a tree planting scheme earlier this year. I carried out a site visit yesterday and noted that two trees have been planted at number 1, the address subject of my investigation. One tree is at the front by the foot path and one against the eastern boundary. I have spoken to the tree officer and whilst the tree against the boundary is not in the rear garden it would satisfy the harm caused by the removal of a tree. As replacement trees have been planted I will be closing the case."

The current application proposes a garage to the side of the house and an amended plan shows this moved slightly further back than the previously proposed position. There were no trees in this position immediately before the development of the Holy Cross site. The main concern with the original proposals for Plot 1 in CH/2013/0263/DE was the large turning head arrangement in the front garden, which would have required extensive tree loss. Most of this group of trees has been retained apart from the removal of the two end trees closest to the house. If these two trees had been retained their positions would not have allowed the currently proposed access to the garage.

There is now one replacement tree in this vicinity and its position appears to be more or less on the edge of the proposed additional section of permeable driveway. Consequently, it is quite likely that it would need to be removed to allow construction unless the position of the driveway is changed. Nonetheless, it is still a young tree and it would be possible to transplant it to a more suitable position – possibly within the rear garden of the property, where it could provide some screening from the houses in Grange Fields.

Although I sympathise with the concerns expressed about the tree loss during the development of the site, in the current situation it might appear to be reasonable either to adjust the position of the driveway, or to allow the transplanting of the replacement tree to facilitate the proposed access drive unless there are other planning concerns. Nonetheless, any new driveway in this position close to trees should have a permeable surface.

Representations

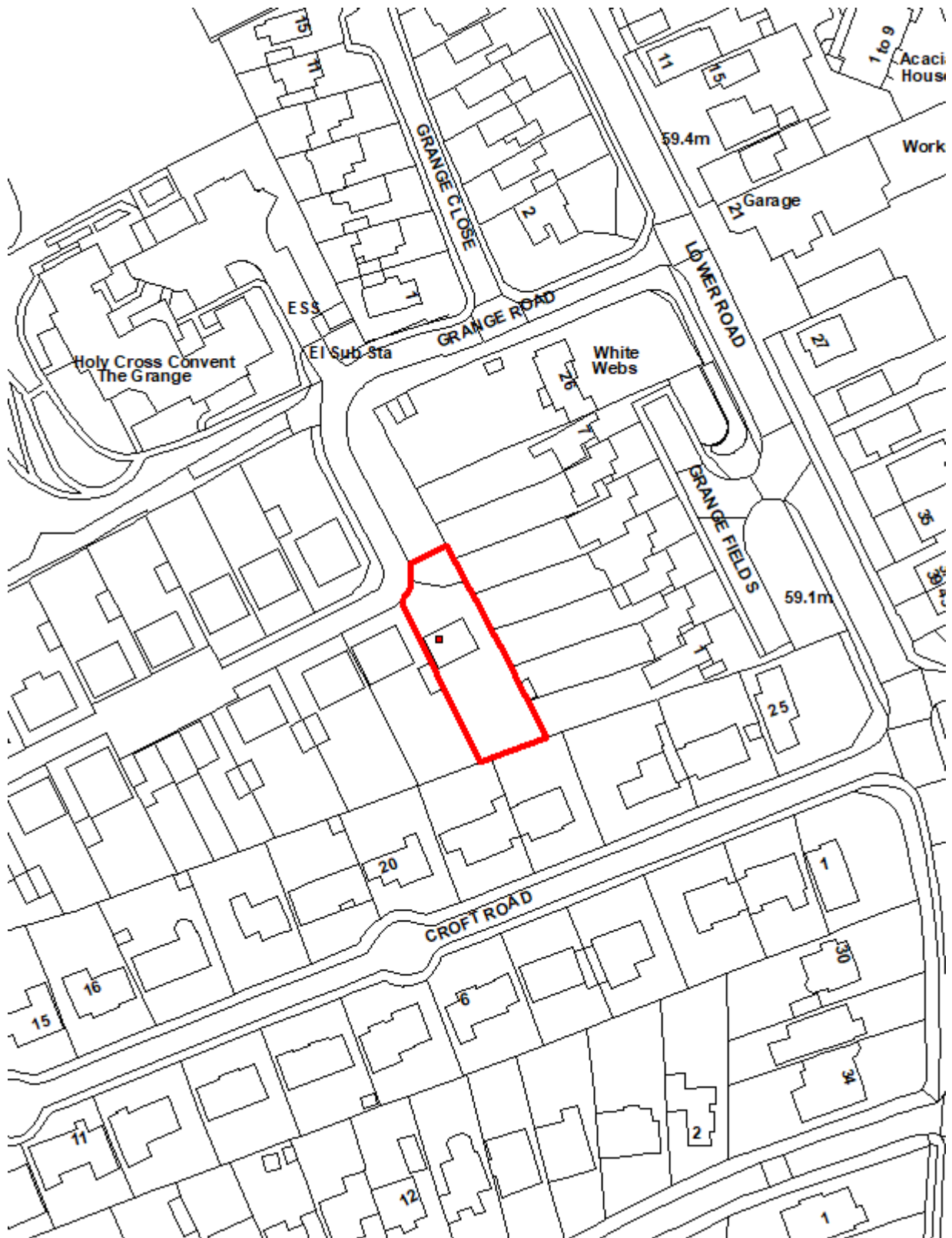
Three neighbouring properties have submitted letters of objection (six letters in total), the main points of which are listed below (summarised):

- When this house was built as part of the estate on the former Holy Cross Convent school site it was recognised by the council and Planning Inspectorate that the trees along the boundary with Grange Fields are protected by tree preservation orders established in 1974. It was also recognised that a line of trees should be retained to provide a boundary between the existing houses and the new estate. Unfortunately my father noticed that one of the well-established trees seemed to be taken down around the time of construction and after writing to the former Chiltern District Council, understood that a new tree was to be planted at the same place. Unfortunately this does not seem to have been overseen by the Council to date and should be done as soon as possible. This means that it would not be possible to build the proposed garage on the same place and I trust that the application will be refused.
- I am concerned about the apparent proximity of the proposed garage and roof to my boundary fence and the likelihood of rain water flowing down my fence.
- With reference to CH/2016/30200/COND the removal of ALL the trees behind my property in groups G470 and G474 was completely contrary to the Planning Inspectorate's condition 16 and there are now no trees at all screening the new estate from my property along the boundary with Grange Fields.
- I also wish to point out that the Norway Maple tree has also been removed meaning that there is now no screening at all. (Officer Note: this was within the neighbouring garden of 4 Grange Fields and that property owner felled the tree in 2021).
- The new tree is behind 5 Grange Fields and therefore in completely the wrong position and in no way helps with screening from my property. This is completely away from the original clusters of trees originally at locations G470 and G474 to which the Planning Inspectorate's condition refers. (Officer Note: It is important to note that the purpose of the Appeal Inspector's condition was not for the trees to provide screening from neighbouring properties, but to maintain the character of the area).
- Our focus is upon the reinstatement of a tree, which had a Tree Protection Order, and had been inadvertently/unlawfully cut down in the building of 1 Grange Road. Is it a suitable replacement species (ie a horse chestnut)? Is it in the correct place? Is the homeowner convinced that his driveway can co-exist with that of a healthy, potentially large tree covered by a TPO (and therefore dutifully protected and enforced)? Why isn't the new replacement tree (and its potential spread) factored into the submitted drawing/plan?
- It needs to be taken into account just how far the branches of a horse chestnut will extend (as demonstrated by the older TPOs next to this picture at the rear of Nos 6 and 5 Grange Fields). If this sapling is a horse chestnut (which it should be) then the branches could quickly extend out over the driveway that leads to this garage, necessitating continual cut-back to the detriment and disfigurement of this tree.
- We see that on the plan the newly extended driveway is permeable which is to be applauded. Will it be in the same paviers as the current drive, and are these 'permeable'?
- Whilst I have no objection to the erection of a garage at 1 Grange Road in principle, I am concerned that the plan drawings for the proposed garage do not include the tree planted

as a replacement for two trees with a TPO wrongly removed by the Linden Homes when the Grange development was built. (Officer Note: an amended plan has since been submitted, showing the newer tree).

- I note that the Tree Officer has suggested moving the (new) tree to the rear of 1 Grange Road. This is unacceptable as it will fail to satisfy the reason why it was planted in its current location, and despite Mr Musgrave's comment, will fail to screen the properties in Grange Fields unless it is stipulated that it must be relocated against the east boundary fence. (Officer Note: It is important to note that the purpose of the Appeal Inspector's concerns and subsequent condition was not for the trees to provide screening from neighbouring properties, but to maintain the character of the area).
- If the (new) tree in question were to be retained in its current position, I fail to see how there would be a sufficient turning circle for a car to enter or leave the proposed garage, particularly as the tree matures. I also fear that the tree would inevitably be damaged during the construction of the garage.

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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