



## East Buckinghamshire Area Planning Committee agenda

Date: Tuesday 22 August 2023

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 (Vice-Chairman), G Harris, C Jones, J MacBean, J Rush, M Stannard, H Wallace, L Walsh, J Waters (Chairman) and S Wilson

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<b>Agenda Item</b>	<b>Page No</b>
<b>1 Apologies for absence</b>	
<b>2 Declarations of interest</b>	
<b>3 Minutes of the previous meeting</b> To agree the minutes of the meeting held on 27 June 2023 as an accurate record.	<b>3 - 4</b>
 <b>Planning Applications</b>	
<b>4 PL/22/4419/FA - Woodside Junior School, Mitchell Walk, Amersham, Buckinghamshire, HP6 6NW</b>	<b>5 - 26</b>
<b>5 PL/23/0328/FA - The Plough Public House, Hyde Heath Road, Hyde Heath, Buckinghamshire, HP6 5RW</b>	<b>27 - 36</b>
<b>6 Date of next meeting</b> Tuesday 19 September 2023 at 6.30pm.	
<b>7 Availability of Members Attending Site Visits (if required)</b> To confirm members' availability to undertake site visits on Monday 18 September 2023, if required.	

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Liz Hornby on 01494 421261, email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk).



Agenda Item 3  
**Buckinghamshire Council**  
**East Buckinghamshire Area**  
**Planning Committee**

## Minutes

**MINUTES OF THE MEETING OF THE EAST BUCKINGHAMSHIRE AREA PLANNING COMMITTEE HELD ON TUESDAY 27 JUNE 2023 IN AMERSHAM COUNCIL CHAMBER, KING GEORGE V HOUSE, KING GEORGE V ROAD, AMERSHAM HP6 5AW, COMMENCING AT 6.30 PM AND CONCLUDING AT 8.00 PM**

### MEMBERS PRESENT

I Darby, M Flys, G Harris, C Jones, M Stannard, H Wallace, L Walsh and J Waters

### OTHERS IN ATTENDANCE

M Shires, S Manek, A Wilson and B Dadi

### Agenda Item

#### 1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M Fayyaz, J MacBean, J Rush and S Wilson.

#### 2 DECLARATIONS OF INTEREST

No declarations of interest were received.

#### 3 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 30 May 2023 were agreed as an accurate record.

#### 4 PL/22/4419/FA - WOODSIDE JUNIOR SCHOOL, MITCHELL WALK, AMERSHAM, BUCKINGHAMSHIRE, HP6 6NW

Reinstatement of school entrance from Plantation Road.

Members voted unanimously to defer the application so that Officers could liaise with the Highways Team, to clarify the extent of the off-site highway works and also to reconsider the conditions in light of Members' concerns about pedestrian safety, speed reduction and signage. The application is to be reported back to the Planning Committee once discussions have taken place.

Speaking as the Applicant: Mrs Dorota Milner (Headteacher) and Mrs Gillian Nickless (School Business Manager)

**It was proposed by Councillor Waters and seconded by Councillor Walsh.**

**Resolved: that the application be deferred so that Officers could liaise with the Highways Team, to clarify the extent of the off-site highway works and also to reconsider the conditions in light of Members' concerns about pedestrian safety, speed reduction and signage. The application is to be reported back to the Planning Committee once discussions have taken place.**

- 5 PL/23/1361/FA - 156 ELIZABETH AVENUE, LITTLE CHALFONT, BUCKINGHAMSHIRE, HP6 6RG**  
Loft conversion with the addition of front and rear dormers and roof lights.

Members voted unanimously in favour of the motion to grant conditional permission subject to the conditions as listed in the report.

**It was proposed by Councillor Darby and seconded by Councillor Stannard.**

**Resolved: that the application to grant conditional permission, subject to the conditions as listed in the report.**

- 6 DATE OF NEXT MEETING**  
Tuesday 25<sup>th</sup> July 2023 at 6.30pm.



## Report to East Area Planning Committee - Deferred Application

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<b>Application Number:</b>	PL/22/4419/FA
<b>Proposal:</b>	Reinstatement of school entrance from Plantation Road
<b>Site location:</b>	Woodside Junior School Mitchell Walk Amersham Buckinghamshire HP6 6NW
<b>Applicant:</b>	Woodside Junior School, Amersham
<b>Case Officer:</b>	Alex Wilson
<b>Ward affected:</b>	Amersham and Chesham Bois
<b>Parish-Town Council:</b>	Amersham Town Council
<b>Valid date:</b>	13 January 2023
<b>Determination date:</b>	28 June 2023
<b>Recommendation:</b>	Application PL/22/4419/FA be delegated to the Director of Planning, Growth & Sustainability to approve, subject to conditions and the satisfactory prior completion of a Legal Agreement for off-site highway works. If the Section 106 Agreement cannot be completed the application be refused for such reasons as considered appropriate.

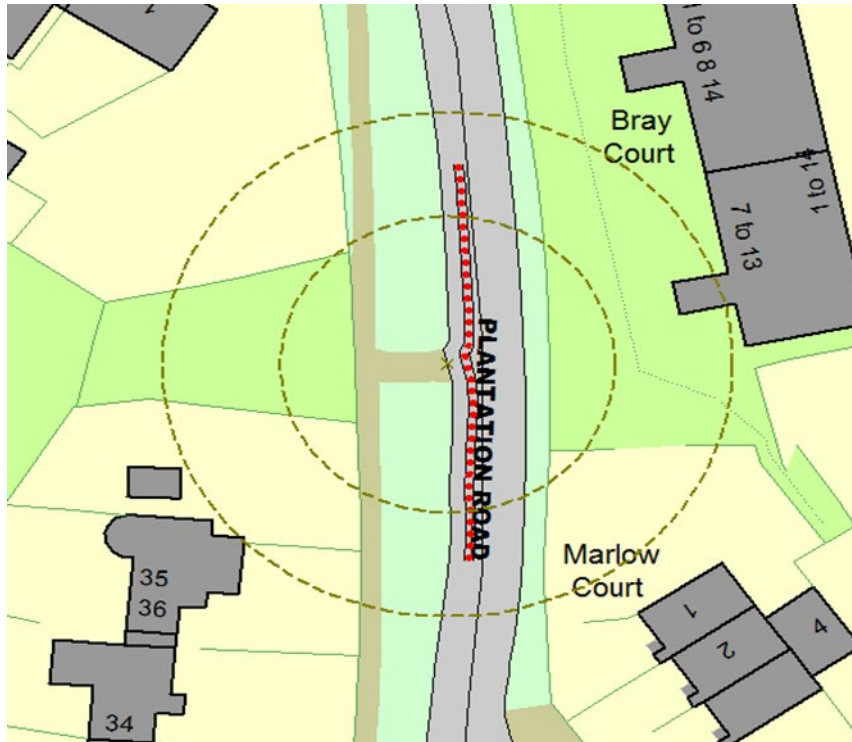
### 1.0 Matters for consideration

- 1.1 Members will recall that this application was heard by the Planning Committee at the meeting on 27<sup>th</sup> June 2023. The original case officer's report is attached at Appendix A.
- 1.2 The application was deferred so that Officers could liaise with the Highways Team, to clarify the extent of the off-site highway works and also to reconsider the conditions in light of Members' concerns about pedestrian safety, speed reduction and signage.

### 2.0 Evaluation

- 2.1 The questions raised in the previous Planning Committee meeting have been put forward to the Senior Highways Development Management Officer. The following responses have been received in relation to each question as shown below.
- 2.2 The first query was regarding the length of the zig-zag lines to be painted on the road. Members felt these were fairly short in length and did not provide sufficient protection for children crossing the street. The Highways Officer had previously requested such

lines totalling a length of around 15 metres, i.e. the width of the application site at this point. They have now reconsidered this and they now suggest zig-zag lines totalling 34.5 metres in length, being the maximum realistic length achievable in this location, due to the presence of neighbouring properties. This is a considerable increase in length from the previous recommendation. Officers consider this to be a significant improvement. These are shown on the plan below.



- 2.3 Members also queried whether signs would be placed on the street as part of the highway works. The Highways Officer has confirmed that signage would be needed as part of the highway works, to ensure the restrictions are enforceable. This would cover signage advising on a school crossing, no stopping and it would also be detailed on the traffic regulation order covering the location.
- 2.4 Members also queried whether the speed limit could be reduced, to 20 mph, along this stretch of the road. The Highways Officer has stated that this would not be possible, as the legislation regarding speed limit changes requires the authority to follow a set of activities to naturally reduce the average speed of vehicles and it also requires cooperation from the Police.
- 2.5 Members also raised a query about the wording of Condition 3, which required the gates to be closed at all times other than in an emergency. This would not have allowed pedestrian access for schoolchildren, as the school wanted, due to the wording proposed. The condition has been amended, to firstly restrict the vehicular access to emergency access only, and secondly to ensure the inner-most vehicle gates only are kept closed other than in an emergency. This wording now allows the school to use the inner pedestrian gate and the outer vehicle gates for pedestrian use, whilst still ensuring the inner vehicle gates remain closed.

### 3.0 Conclusion

- 3.1 Members deferred the application for clarification from the Highway Authority. The zig-zag road markings have now been significantly extended in length and it has been confirmed that signage would be included as part of the highway works. Officers consider that this addresses the concerns and queries raised by Members at the previous meeting. The impact on the highway is not considered to be severe and therefore the development should not be refused, in accordance with paragraph 111 of the NPPF.
- 3.2 Based on this further assessment, the recommendation remains to defer to approve the application, subject to conditions and the satisfactory prior completion of a Legal Agreement to secure the off-site highway works.

**4.0 Recommendation: Application PL/22/4419/FA be delegated to the Director of Planning, Growth & Sustainability to approve, subject to conditions and the satisfactory prior completion of a Legal Agreement to secure off-site highway works. If the Legal Agreement cannot be completed the application be refused for such reasons as considered appropriate.**

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 development hereby permitted shall only be constructed in the materials specified on the plans hereby approved or in materials which shall previously have been approved in writing by the Local Planning Authority.  
Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.
3. The new vehicular access to Plantation Road shall not be used for any other purpose other than for emergency access and the inner vehicular access gates shall remain closed and locked at all other times.  
Reason: In order to control the use of the access in light of the visibility and impact on the road network, and also to ensure the retention of the street trees either side of the access.
4. The development hereby permitted shall not be brought into use until a scheme of ecological enhancements, and a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority to show that an overall net gain in biodiversity will be achieved. The scheme shall include details of landscape planting of known benefit to wildlife and the provision of artificial roost features, including bird and bat boxes. Any new fencing shall include holes to allow safe passage of hedgehogs. The scheme shall be implemented in full and as per the timetable approved by the Local Planning Authority. The measures shall be maintained in accordance with the approved details thereafter.

Reason: In the interests of enhancing biodiversity in accordance with Section 15 of the NPPF and Core Strategy Policy 24: Biodiversity.

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>
7 Mar 2023	CURRENT BLOCK PLAN
7 Mar 2023	PROPOSED BLOCK PLAN
28 Feb 2023	DIC Gate / Warefence DATASHEET WF 868
28 Feb 2023	NEW BOUNDARY ACCESS GATES
23 Dec 2022	1518/02
23 Dec 2022	SU97469832
13 Jan 2023	LOCATION PLAN

and in accordance with any other conditions imposed by this planning permission.

Reason: To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.

## INFORMATIVES

1. The applicant is advised that the new access should be constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access Within the Public Highway". In addition, a licence 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 period of 28 days must be allowed for the issuing of the licence, please contact the Area Manager at the following address for information or apply online via Buckinghamshire Council's website.

Transport for Buckinghamshire (Streetworks)  
10th Floor,  
New County Offices  
Walton Street,  
Aylesbury,  
Buckinghamshire  
HP20 1UY  
Tel: 01296 382416

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](mailto:planning.cil.csb@buckinghamshire.gov.uk) for more information.





## Buckinghamshire Council

[www.buckinghamshire.gov.uk](http://www.buckinghamshire.gov.uk)

### Report to East Area Planning Committee

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<b>Application Number:</b>	PL/22/4419/FA
<b>Proposal:</b>	Reinstatement of school entrance from Plantation Road
<b>Site location:</b>	Woodside Junior School, Mitchell Walk, Amersham, Buckinghamshire, HP6 6NW
<b>Applicant:</b>	Woodside Junior School
<b>Case Officer:</b>	Alex Wilson
<b>Ward affected:</b>	Amersham and Chesham Bois
<b>Parish-Town Council:</b>	Amersham Town Council
<b>Valid date:</b>	13 January 2023
<b>Determination date:</b>	28 June 2023
<b>Recommendation:</b>	Application PL/22/4419/FA be delegated to the Director of Planning, Growth & Sustainability to approve, subject to conditions and the satisfactory prior completion of a Legal Agreement for off-site highway works. If the Section 106 Agreement cannot be completed the application be refused for such reasons as considered appropriate.

#### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application is for the reinstatement of a school entrance from Plantation Road. The site is located within the built-up area of Amersham and the school building is Grade II listed.
- 1.2 The application is before Committee as this submission is from a Local Authority School, and so the application is required to be put forward to the Committee as per the procedures of the Constitution. It is also noted that Cllr Walsh has called in the application for consideration by the Planning Committee if the Case Officer's recommendation is for approval.
- 1.3 The recommendation for the proposal is to defer to approve, subject to the completion of a legal agreement (set out in full above).

## **2.0 Description of Proposed Development**

- 2.1 The application relates to a separate small parcel of land to the east side of the school field. This application proposes the laying of hardstanding to form a 4 metre wide path leading from an existing dropped kerb from Plantation Road to the rear of the school field. The works include the installation of an inner 4 metre wide double leaf gate and a 1.2 metre wide single leaf pedestrian gate, and an outer 4 metre double leaf gate adjacent to the pavement of Plantation Road.
- 2.2 Additional drawings have been submitted during the course of this application, showing the elevations of the proposed gates. A follow-up statement by the School has been received – in summary, highlighting that the access would be for use as an emergency vehicle access only to the school, via the field and a route for the evacuation of the School. It is understood that the pedestrian access will be used in conjunction with the existing accesses via Mitchell Walk.

## **3.0 Relevant Planning History**

- 3.1 There is extensive history associated with this site, and the following most relevant planning history has been listed below:
- 3.2 AM/98/56 – circa. 1956 – School Building – Granted Permission
- 3.3 CH/2015/2264/FA - 23.02.2016 - Construction of two playground areas within school curtilage - Conditional Permission
- 3.4 PL/22/1319/FA – 20.07.2022 - Installation of running track on the school field – Conditional Permission, Committee Decision
- 3.5 PL/22/1410/SA – 19.07.2022 – Certificate of Lawfulness for proposed reopening access from Plantation Road, renewal of the existing pavement facing gate, renewal of hardstanding of tracking leading to Plantation Road, widening of emergency track to 4 metres in width, installation of 4 metre wide double leaf gate and 1.2 metre wide single leaf gate (for pedestrian access) – Part Approve, Part Refuse Certificate.
- 3.6 PL/22/2653/CONDA – 03.08.2022 - Approval of Condition 3 (Landscaping) of planning permission PL/22/1319/FA (Installation of running track on the school field). – Condition Discharged

## **4.0 Summary of Consultations and Representations**

- 4.1 The Heritage Officer raises no objections.
- 4.2 The Tree Officer raises no objections.
- 4.3 The Highways Officer raises no objections subject to conditions and a Legal Agreement.
- 4.4 Twenty letters of objection have been received.
- 4.5 Amersham Town Council object.

## **5.0 Policy Considerations and Evaluation**

- National Planning Policy Framework (NPPF)

- National Design Guide
- 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.
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule

### **Principle and Location of Development**

Core Strategy Policies:

CS1 (The spatial strategy),

Local Plan Saved Policies:

GC1 (Design of development)

- 5.1 The application relates to the grounds surrounding a Listed Building located on Mitchell Walk, a residential area north east of Woodside Road in Amersham-on-the-Hill. Woodside Junior School is bordered by properties on the north east and south west boundary on Mitchell Walk and to the rear of the school's sports field by properties on Plantation Road. As aforementioned, the application relates to a separate small parcel of land to the east side of the school field, adjacent to Plantation Road.
- 5.2 Whilst the application site hosts a Listed Building, works to the existing Listed Building are not proposed as part of this application. Development for community facilities are generally acceptable, in principle, subject to complying with relevant Development Plan Policies. It should also be noted that Paragraph 95 of the NPPF states that great weight should be given to the need to create, expand or alter schools.

### **Transport matters and parking**

Core Strategy Policies:

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

CS26 (Requirements of new development)

Local Plan Saved Policies:

TR2 (Highway aspects of planning applications)

TR3 (Access and road layout)

Buckinghamshire Parking Guidance September 2015

- 5.3 The Senior Highways Officer has confirmed that, given the proposed use of the vehicular access for emergency vehicles only, it is not expected to generate regular vehicular movements. To ensure this, a condition is suggested to restrict the use of this access point for emergency use only. Given the limited emergency use proposed, it has also been confirmed that the emergency access can be used without requiring the removal of the two trees located either side of the proposed access from Plantation Road.
- 5.4 With respect to a potential increase in vehicular parking along Plantation Road, due to the associated pedestrian access, the Highways section considers it

necessary to require the painting of yellow 'Keep Clear' markings along Plantation Road adjacent to the rear boundary of the school. The Senior Highways Officer has confirmed that a legal agreement would need to be completed in order to secure this outcome.

- 5.5 Subject to these measures, no objections are raised regarding the impact on the highway network.

### **Raising the quality of place making and design**

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

CS29 (Community)

Local Plan Saved Policies:

GC1 (Design of development)

GC4 (Landscaping)

- 5.6 Local Plan Policy GC1 refers to the design and appearance of development and requires all proposals to be assessed with regard to the scale of development, and its height, siting and relationship with adjoining boundaries, and highway issues, car parking, materials, form, detailing of building work in sensitive locations and design against crime.
- 5.7 It is not considered that the proposed gates and access would be prominent or intrusive in appearance, sited on the parcel of land adjacent to Plantation Road. Indeed they would replace existing fencing of a similar height. As such, the proposed gates and access would not have a detrimental impact upon the character of the area. The proposed impact upon the main listed school building and associated listed paraphernalia, will be assessed within the 'Historic environment' section of this report.

### **Amenity of existing and future residents**

Local Plan Saved Policies:

GC3 (Protection of amenities)

- 5.8 Local Plan Policy GC3 seeks to protect amenities throughout the area. It states that in considering proposals for development, the Council will seek to achieve good standards of amenity for the future occupiers of a proposed 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.
- 5.9 The proposed works the subject of this application would be located in between Nos 35 and 36 Plantation Road and Nos 1 and 2 Blackhorse Crescent. It is understood that the rear of the site has historically featured a pedestrian access and a dropped kerb, which still exists, from Plantation Road, although this area has become overgrown until clearance works within recent years. Nonetheless, given the location of the improved private way sufficiently away from the flanked residential boundaries, it is not considered that there would be a detrimental impact upon the amenities of the neighbouring properties.

Furthermore, it is a material consideration that under Schedule 2 Part 9 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, the improvement of an existing private way may constitute permitted development.

### **Landscaping issues and biodiversity**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

Local Plan Saved Policies:

NC1 (Safeguarding of nature conservation interests)

5.10 It is noted that objections have been raised in respect to the previous tree and hedging work to the rear of the School – this particular clearing work did not require Planning Permission and the trees were not subject to a Tree Preservation Order. The Tree Officer has confirmed that the proposed development would not require the loss of any more trees or hedgerows within the application site. Furthermore, confirmation has been received that the dropped kerb and associated hardstanding located between the main carriageway and pavement of Plantation Road would not be widened, and subject to the imposition of a condition restricting the use of the proposed access for emergency vehicles only, the two trees located to the roadside would not need to be removed for visibility reasons and would not be affected by the proposed upgrading works. In any event, Officers would not want the two existing trees to be removed, as they are important features in the street scene.

5.11 In terms of biodiversity, the wider site is large and there is space for some additional wildlife planting or habitat creation, to ensure a biodiversity net gain is provided. This can be secured by condition. It is noted that Members have previously raised concerns that some matters are dealt with by condition rather than being submitted as part of the planning application, however the Government's Planning Practice Guidance is clear that an application must not be refused for a matter that could be dealt with by condition(s).

### **Historic environment (or Conservation Area or Listed Building Issues)**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

Local Plan Saved Policies:

LB1 (Protection of special architectural or historic interest of Listed Buildings)

LB2 (Protection of setting of Listed Buildings)

5.12 Woodside Junior School is a designated heritage asset, being a Grade II listed building. Furthermore, the seat, steps, pool surround and attached pergola, are also Grade II listed. The proposed development is set some distance away from these designated heritage assets and therefore would not cause harm to the setting, or the special historic and architectural interest, of the Grade II Listed Building. The Heritage Officer raises no objections.

## **Legal Agreement**

Core Strategy Policies:  
CS31 (Infrastructure)

- 5.13 If the application is considered acceptable, subject to the imposition of necessary conditions, then the completion of a legal agreement and/or Section 278 Agreement would be required prior to the grant of any planning permission to ensure the securing of off site highway works with regard to the painting of yellow 'Keep Clear' markings outside the school, and a 'keep clear' marking for the bus stop opposite the proposed emergency access.
- 5.14 The Applicant has confirmed a willingness to enter into an Agreement on the above basis.
- 5.15 The recommendation is therefore to grant conditional permission subject to the suggested Conditions referred to below, with the decision deferred for the prior completion of a Section 278 Highways Agreement to ensure the securing of access and off site highway works with regard to the painting of yellow 'Keep Clear' markings outside the school, and a 'keep clear' marking for the bus stop opposite the proposed emergency access. The final decision to be delegated to the Director of Planning, Growth & Sustainability subject to the prior completion of a Section 278 Highways Agreement. Any negotiation or changes to the Legal Agreement to be delegated to the Director of Planning, Growth & Sustainability with authorisation to refuse planning permission if an acceptable Legal Agreement is not completed.

## **6.0 Weighing and balancing of issues / Overall Assessment**

- 6.1 This section brings together the assessment that has so far been set out, in order to weigh and balance relevant planning considerations, in order to reach a conclusion on the application.
- 6.2 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.
- 6.3 As set out above, it is considered that the proposed development would accord with the development plan policies.
- 6.4 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which

may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

## **7.0 Working with the applicant / agent**

- 7.1 In accordance with paragraph 38 of the NPPF 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 sustainable developments.
- 7.2 The Council works with the 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, the applicant was kept up to date with progress and offered the opportunity to speak at the Planning Committee meeting.

**8.0 Recommendation: Application PL/22/4419/FA be delegated to the Director of Planning, Growth & Sustainability to approve, subject to conditions and the satisfactory prior completion of a Legal Agreement to secure off-site highway works. If the Legal Agreement cannot be completed the application be refused for such reasons as considered appropriate.**

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 development hereby permitted shall only be constructed in the materials specified on the plans hereby approved or in materials which shall previously have been approved in writing by the Local Planning Authority.  
  
Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.
3. The new access to Plantation Road shall not be used for any other purpose other than for emergency access and the access gates shall remain closed and locked at all other times.  
  
Reason: In order to control the use of the access in light of the visibility and impact on the road network, and also to ensure the retention of the street trees either side of the access.

4. The development hereby permitted shall not be brought into use until a scheme of ecological enhancements, and a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority to show that an overall net gain in biodiversity will be achieved. The scheme shall include details of landscape planting of known benefit to wildlife and the provision of artificial roost features, including bird and bat boxes. Any new fencing shall include holes to allow safe passage of hedgehogs. The scheme shall be implemented in full and as per the timetable approved by the Local Planning Authority. The measures shall be maintained in accordance with the approved details thereafter.

Reason: In the interests of enhancing biodiversity in accordance with Section 15 of the NPPF and Core Strategy Policy 24: Biodiversity.

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>
7 Mar 2023	CURRENT BLOCK PLAN
7 Mar 2023	PROPOSED BLOCK PLAN
28 Feb 2023	DIC Gate / Warefence DATASHEET WF 868
28 Feb 2023	NEW BOUNDARY ACCESS GATES
23 Dec 2022	1518/02
23 Dec 2022	SU97469832
13 Jan 2023	LOCATION PLAN

and in accordance with any other conditions imposed by this planning permission.

Reason: To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.

**INFORMATIVE(S)**

1. The applicant is advised that the new access should be constructed in accordance with the Buckinghamshire Council guide note "Commercial Vehicular Access Within the Public Highway". In addition, a licence 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 period of 28 days must be allowed for the issuing of the licence, please contact the Area Manager at the following address for information or apply online via Buckinghamshire Council's website.

Transport for Buckinghamshire (Streetworks)

10th Floor, New County Offices

Walton Street, Aylesbury,



Buckinghamshire

HP20 1UY

01296 382416

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.

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## **APPENDIX A: Consultation Responses and Representations**

### **Councillor Comments**

Councillor Walsh - Received 3<sup>rd</sup> February 2023:

'I request that this application be called in to the planning committee should the officer be minded to approve it. The issues are (but not exclusively) the implications for Plantation Road of extra parking and volume of traffic causing congestion, particularly at school drop off and pick up times.'

### **Parish/Town Council Comments**

Amersham Town Council (received 1<sup>st</sup> February 2023):

'Recommend refusal (30.01.2023)

Members repeated many comments from the previous application made in 2022 (application reference PL/22/1410/SA). Members were strongly opposed the application on the following grounds;

- The application does not mention the need to widen the drop kerb (which would be required if access were to be widened to 4 metres). - Members questioned the intended use, commenting that the school already has an emergency exit for vehicles along Mitchell Walk.
- Again, in questioning the intended use, members added that an asphalt path would not be required if the intended use were to be for emergency access only.
- Members also commented that there is currently insufficient parking facilities along Plantation Road. If this path were to be in regular use as suspected, even for 'drop-offs' this access point could cause significant congestion issues. It was also noted that there is a bus stop on the opposing side of the road. For this reason it was felt that Bucks Highways department would need to investigate this further.
- Lastly, as established trees are being removed in preparation for the works, and more are likely to be removed to improve both access and visibility, it was recommended that Bucks Council's Tree Officer should perform a site inspection also.

### **Consultation Responses**

Tree Officer (received 2<sup>nd</sup> February 2023):

'The red edge of the application site consists of the area behind the fence on the Plantation Road frontage and the grounds of the school. It does not include the area of highway land between the fence and the surface of the road.

The area enclosed by fencing between 1-2 Blackhorse Crescent and 35-36 Plantation Road appears to have been cleared of vegetation within the last year. This has included the cutting of a line of hedgerow trees just behind the fence to ivy-covered stumps just above fence height and the felling of a large ash tree within the enclosed area.

The proposal would not require the loss of any more trees or hedgerows within the application site so I would not object to the application.

However, I would be concerned about possible work in the highway verge outside the application site. The existing access to Plantation Road over the road verge appears to be fairly narrow and passes between two substantial street trees. Any widening or re-surfacing of this access could involve significant root damage, which is likely to affect the health of the two trees and could result in their loss.'

Tree Officer (received 22<sup>nd</sup> March 2023):

'Further information and plans have been submitted.

The further information includes the paragraph:

We would like to make it clear that we are not seeking to widen the entrance via the dropped curb on Plantation Road. Therefore, the trees on Plantation Road (as mentioned by the Tree Officer) will not be affected.

Consequently, the two street trees in the road verge should not be harmed by the proposal.

The further information about the proposed gates would not affect any trees.

Consequently, this information would not change my earlier comments.'

Heritage Officer (received 30<sup>th</sup> March 2023):

*Summary*

The application is acceptable in heritage terms, subject to a potential condition.

*Heritage Assets*

In the setting of Listed buildings:

- Woodside Junior School designated heritage assets grade II listed building.
- Woodside School seat, steps, pool surround and attached pergola, is also grade II listed

*Discussion*

*Considerations*

The heritage assessment is the impact on the setting of the special historic and architectural interest of the Grade II Listed Building.

*Proposal*

The proposal is now to reinstate school entrance to the rear.

*Significance*

The proposed development relates to the rear access of Woodside school. The school has two separate designations; school building and pond/seating/pergola area. They were both listed in 1993.

Woodside School was designed in 1956-57 by Mary and David Medd of Ministry of Education and was the first true 'rationalised traditional' school built as a prototype. They believed in good natural light and ventilation and advocated areas for messy activities, quiet study or group teaching.

Along with the school the rear steps, pool surround and attached pergola were also designated. They form an important visual feature in the rear courtyard.

#### *Discussion*

The school wish to re-open the entrance off Plantation road and make good the original path. The proposal also wishes to replace the existing pavement facing the gate with a 4m double leaf 1.8m high green coated gate, along with 1.2m wide single leaf gate for pedestrian access. The track through from the highway to the gate will be tarmac.

There are no plans for car parking or the creation of any permanent or temporary building structures. The access will only be used for emergency services, contractors access e.g. ground maintenance and pedestrian access to the school at morning and afternoon times.

The DAS states that the remaining area of the plot will be left for low level shrubs/wild flowers and the school also has plans to plant a ceremonial ornamental tree to commemorate the King's coronation.

The field entrance leads to the pedestrian path up to the school, which is said to be visible. No works are mentioned about to this current pathway. Should works be required to this path, further details should be supplied. Secure by Condition.

*24/03/2023*

Following the additional plans and details, Heritage still finds the proposal acceptable in heritage terms. Unfortunately, the new plans do not clarify if a new pedestrian path is required from the new gates up to the school. If any changes to the path are proposed, the materials could be secured by conditions.

#### *Heritage Policy Assessment*

The Planning (Listed Building and Conservation Areas) Act 1990

The proposals would preserve the architectural and historic interest of the listed building and therefore complies with sections 66 of the Act.

#### *NPPF*

The proposal would cause no harm to the significance of the heritage asset and satisfy the planning guidance in paras 193-197 of the NPPF, whereby the conservation of the heritage asset is the foremost consideration in determining applications and informing planning decisions.

#### *Chiltern Local Plan Policies LB1 and LB2*

Regard was made to the listed building's setting and its contribution to the local scene.

#### *Conclusion*

For the reasons given above it is felt that in heritage terms:

The application would not raise any heritage objection subject to the following conditions:

- Details of pathway from the entrance to the school be clarified and details or working drawings supplied.'

Highways Development Management (received 8<sup>th</sup> June 2023):

'Plantation Road is an unclassified road which in this location is subject to a speed restriction of 30mph. Proposals include the reinstatement of the school entrance from Plantation Road. It should be noted that pedestrian access and gates were considered Permitted Development under PL/22/1410/SA, and as such this application relates solely to the hardstanding area for emergency vehicular access from Plantation Road.

As a new vehicular access is proposed, the access arrangements serving the site will need to be assessed in order to determine its suitability to accommodate vehicular movements. As Plantation Road is subject to a speed restriction of 30mph, visibility splays of 2.4m x 43m are applicable, commensurate with current Manual for Streets guidance. Whilst I note that these splays are achievable from the proposed access, it would result in the loss of two trees either side of the access point. This will need to be weighed in the planning balance. It should be noted that this access is purely for emergency access and as such would not be expected to generate regular vehicular movements. For the avoidance of doubt, I would expect a condition to be placed on any consent granted to restrict the use of this access point to emergency only.

I note that the applicant has suggested that they will inform parents/carers that they will need to continue to utilise Mitchell Walk in order to drop their children at school, however, I consider that there is no way of stopping parents from using Plantation Road. The applicant has also suggested that yellow 'Keep Clear' markings could be placed outside the school, which I agree would be appropriate in this location, alongside a 'keep clear' marking for the bus stop opposite the site. As this is the case, I would suggest that this is secured via a Section 106 agreement.

Mindful of the above, I have no objection to the proposals, subject to the following conditions and financial obligations:

*S106 Obligation*

The payment of a £10,000 contribution towards the consultation and subsequent potential implementation of parking restrictions on Plantation Road.

*Obligation Description*

Parking restrictions

*Objective*

To protect key routes

*Provision*

£10,000 paid to BCC

*Trigger*

Within 6 months of planning consent being granted

*Policy Support*

NPPF Section 9

Paras 102-104, 108

*Compliance*

Necessary – Required to ensure impacts of development are mitigated. Protection of surrounding roads to prevent vehicles parking, obstructing visibility, and access to Plantation Road.

Directly related – Contributions relate to the protection of routes affected by the development by providing parking restrictions to prevent vehicles parking and obstructing the free-flow of traffic on Plantation Road.

Fair and Reasonable – Mitigation measures proportionate response to identified impacts and are consistent with contributions sought from other developments in the local area with similar impacts this is a relatively small-scale, reflective of the level of development proposed.

Condition: The existing means of access has been altered in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note “Commercial Vehicular Access Within the Public Highway”. For the avoidance of doubt, the access shall be maintained for use for emergency vehicles only.

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

**Representations**

Twenty comments have been received objecting to the proposal – as summarised below:

- Subject land was abandoned more than twenty years ago and has turned into woodland in its own right; land contains wild animals and birds.
- School has cleared the woodland illegally; ancient tree with a trunk diameter of a more than a meter wide felled; school should reinstate woodland
- School has not undertaken ecological/bat/arboricultural surveys
- Breach of planning permission; current works reported to Enforcement however no action taken
- School has made reference to old layout plan published 65 years ago and has misinterpreted it as vehicular access; existing dropped kerb/hardstanding never used as a vehicular access
- Supportive of School however secondary entrance is not valid
- Traffic congestion concerns; Plantation Road is very busy; already a lack of parking; more pedestrians and vehicles manoeuvring and increase accidents; used as an alternate car route from Chesham/North to the South; cars already queue in peak hours; new access for school pick up/drop off will create more

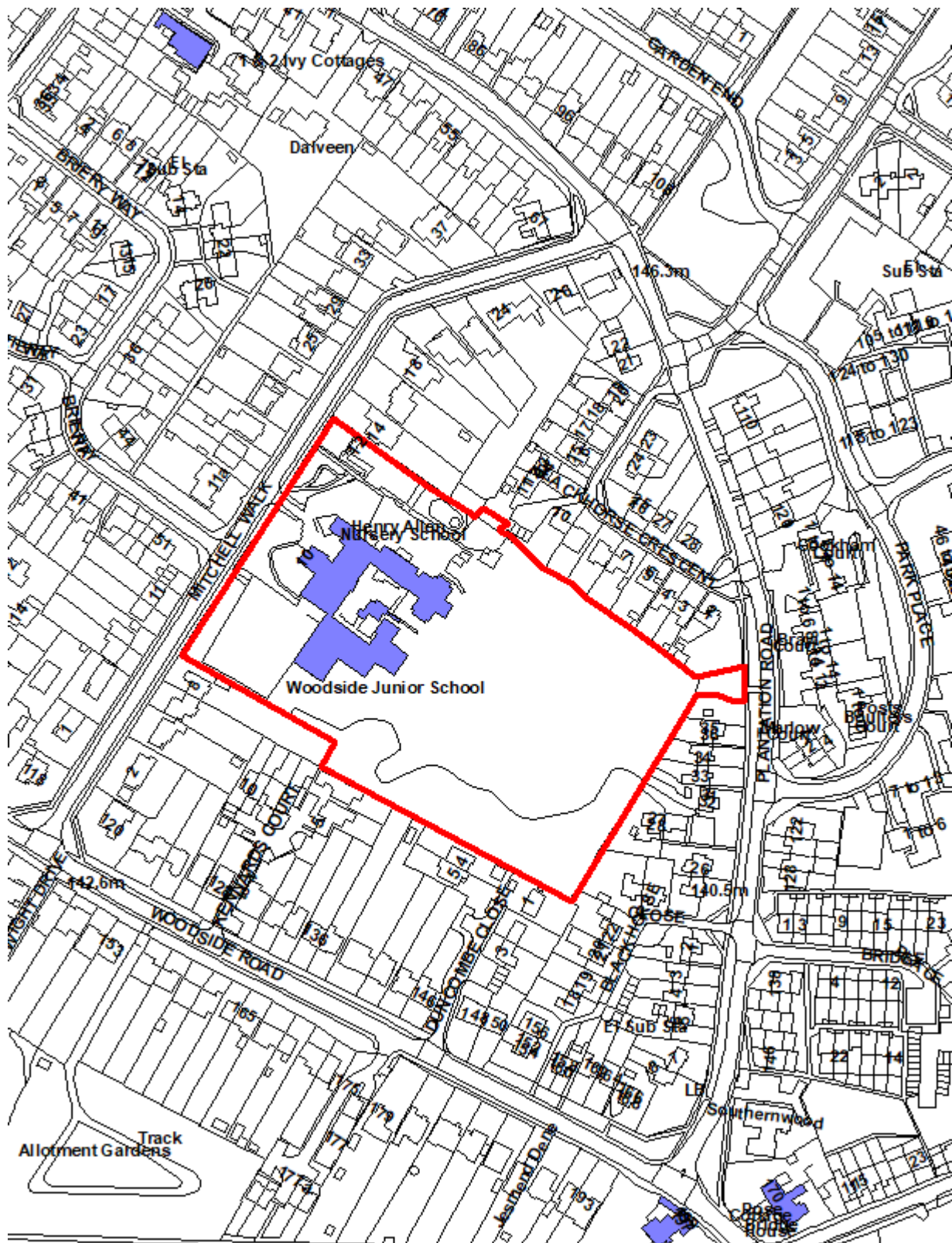
traffic congestion; site visit should be done at 8:30am to view volume of traffic; parents will inevitably park to wait for their children; cars are parked on the road making it a single lane; cars would have to make a detour

- Proposed new access is located on busiest stretch of Plantation Road between Blackhorse Crescent and the junction with Woodside Road.
- Highway safety concerns; new access is on a road bend, two large ancient trees on both sides and a bus stop directly opposite, serious blind spot; speeding vehicles are common; some areas within Plantation Road are very narrow; more pollution and accidents; dangerous to road users and pedestrians including school children; school does cycling proficiency on Plantation Road which would become more dangerous
- Reduction of privacy to neighbouring properties; noise nuisance from children and contractors entering and existing the school; protectional risk of heavy contractor vehicles crashing through neighbouring fence
- New tarmac road will be required deep into the earth; trench will damage more trees
- School already has access for emergency/contractor vehicles from Mitchell Walk; should seek to improve existing accesses; if School's current emergency and evacuation procedures are adequate and acceptable then the alternative entrance via Plantation Road is not necessary
- Greater risk of surface water flooding
- Impact on nearby Grade II listed buildings
- Greater level of disruption for neighbours
- Walking access from Plantation Road will not shorten travel time; school should be actively looking a ways to reduce traffic through walking or cycle schemes
- Schools aim to minimise entry points into school for safety and safeguarding reasons
- Proposal contracts the relevant policies within the Chiltern District Local Plan
- Proposed zig zag 'no parking' area marked along Plantation Road entrance will result in parents/carers dropping off/picking up elsewhere on Plantation Road; consequent impact on residents
- Application should not go ahead until data has been provided and Highways have been able to access and approve the traffic and parking solution on Plantation Road.

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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

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<b>Application Number:</b>	PL/23/0328/FA
<b>Proposal:</b>	Single storey, open sided detached shelter to side of public house (retrospective)
<b>Site location:</b>	The Plough Public House Hyde Heath Road Hyde Heath Buckinghamshire HP6 5RW
<b>Applicant:</b>	Ms S Dooner
<b>Case Officer:</b>	Alex Wilson
<b>Ward affected:</b>	Chiltern Ridges
<b>Parish-Town Council:</b>	Little Missenden Parish Council
<b>Valid date:</b>	2 February 2023
<b>Determination date:</b>	24 August 2023
<b>Recommendation:</b>	Conditional permission

### 1.0 Summary & Recommendation

- 1.1 This application is for a single storey, open sided detached shelter to the north western side of the public house (retrospective).
- 1.2 This application is before Committee as Cllr MacBean has called in the application for consideration by the Committee if the Case Officer's recommendation is for approval.
- 1.3 The recommendation for the proposal is to grant conditional permission.

### 2.0 Description of Proposed Development

- 2.1 This application relates to a single storey, open sided detached shelter to the northern western side of the public house. The shelter is constructed with dark grey timber with a flat roof including acrylic sheets. The shelter is located adjacent to the car park, with neighbouring properties including Hyde Heath Chapel being sited to the south west. The shelter approximately measures a maximum width of 2.4 metres, a maximum depth of 11.75 metres and has a maximum roof ridge height of 2.5 metres.

### 3.0 Relevant Planning History

- 3.1 CH/2004/2386/FA - 14 February 2005 - Single storey side/rear extension incorporating conservatory – Refused Permission

- 3.2 CH/2006/0142/FA - 31 May 2006 - Single storey side/rear extension and alterations to car park and vehicular access - Conditional Permission
- 3.3 PL/19/1475/FA - 3 July 2019 - Demolition of existing store, ground floor and first floor rear extensions and renovations – Conditional Permission
- 3.4 PL/20/0019/VRC - 28 February 2020 - Variation of condition 3 of PL/19/1475/FA (Demolition of existing store, ground floor and first floor rear extensions and renovations) to exclude first floor rear extension – Conditional Permission

#### **4.0 Summary of Representations**

- 4.1 Three letters of objection have been received.
- 4.2 Five letters of objection has been received.
- 4.3 Little Missenden Parish Council object.

#### **5.0 Policy Considerations and Evaluation**

- National Planning Policy Framework (NPPF), 2021
- National Design Guide, revised 2021
- 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
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule

#### **Principle and Location of Development**

Core Strategy Policies:

CS1 (The spatial strategy)

CS22 (Chilterns Area of Outstanding Natural Beauty)

Local Plan Saved Policies:

GC1 (Design of development)

GB2 (Development in general in the Green Belt)

LSQ1 (Chilterns Area of Outstanding Natural Beauty)

- 5.1 The application site contains a Public House sited to the south western side of Hyde Heath Road, Hyde Heath. A car park is located to the side (north west) of the Public House and Hyde Heath Common is located across the street, to the front. As aforementioned, the detached shelter is sited to the north western side of the public house.
- 5.2 The site is located within a Green Belt Settlement and also within the Chilterns AONB. Policy GB2 of the Local Plan states that 'most development in the Green Belt is inappropriate and there is a general presumption against such development'. Development which is not inappropriate is set out in this Policy. However, modest development to community facilities are generally acceptable, subject to being not disproportionate additions over and above the size of the original building. In this instance, the shelter is not considered to comprise a disproportionate addition to the original building, thereby complying with Green Belt policy.
- 5.3 All other relevant Development Plan Policies should be complied with. Furthermore, Policies LSQ1 of the Local Plan and CS22 of the Core Strategy state that the scale, size, siting and design of the development as well as the external materials to be used, shall be considered in assessing whether the development is appropriate within the AONB.

#### **Transport matters and parking**

Core Strategy Policies:

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

CS26 (Requirements of new development)

Local Plan Saved Policies:

TR2 (Highway aspects of planning applications)

TR3 (Access and road layout)

Buckinghamshire Parking Guidance September 2015

5.4 The site lies in Zone C as set out in the Bucks Parking Standards. The closest parking standard relating to pubs sets out that the existing pub requires 10 spaces, including 2 spaces for the existing first floor flat. If the shelter is regarded as additional floorspace, then it generates a requirement for 2 additional parking spaces to be provided, taking the total parking requirement to 12 spaces.

5.5 It is noted that there is a large storage container currently located within the car park, reducing car parking availability. It currently occupies around 3 spaces as shown on the latest drawing. So there are presently only around 8 usable parking spaces, resulting in a current shortfall (of 2 spaces from the lawful situation). As the parking plan shows the container to be removed, a condition is recommended to ensure that it is removed within one month and the scheme for parking and manoeuvring indicated is laid out and thereafter retained unobstructed for parking. That would improve the current situation and, whilst there would still be a resulting shortfall of 1 space, the Highways Officer does not consider this slight shortfall in parking provision to result in a 'severe' impact on the local road network. As Members will be aware, Paragraph 111 of the NPPF states that applications should only be refused if the highway impact is severe. No objections are therefore raised regarding parking provision.

### **Raising the quality of place making and design**

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

CS22 (Chilterns Area of Outstanding Natural Beauty)

CS29 (Community)

Local Plan Saved Policies:

GC1 (Design of development)

GC4 (Landscaping)

5.6 Local Plan Policy GC1 refers to the design and appearance of the development and requires all proposals to be assessed with regard to the scale of development, height, siting and relationship with adjoining boundaries and highway, car parking, materials, form, detailing of building work in sensitive locations and design against crime.

5.7 The shelter is located to the north western side of the Public House. Given its location to the side, tucked behind another existing structure, it is not considered that the shelter is prominent in appearance or overly large in size and scale. As such, it is not considered to cause a detrimental impact upon the character of the area or upon the wider landscape of the Chilterns AONB.

### **Amenity of existing and future residents**

Local Plan Saved Policies:

GC3 (Protection of amenities)

GC7 (Noise-generating developments)

- 5.8 Local Plan Policy GC3 seeks to protect amenities throughout the area. It states that in considering proposals for development, 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.
- 5.9 The Environmental Protection Officer (EPO) has commented that the shelter is situated in close proximity to dwellings. It must be noted however, that the pub is already close to these dwellings. In order to mitigate the potential additional harm to nearby residential amenity, the EPO has recommended that conditions are applied ensuring that the shelter is not used by customers after 21:00 each day and for details of any external lighting to be submitted. In respect to the enforceability of these conditions, they have been confirmed by the Planning Enforcement Team.
- 5.10 It is also noted that whilst the shelter is largely open sided, there is partial solid screening to the SW end closest to the neighbouring dwellings, although it is not the full height of the shelter. A solid screen on this end would mitigate the impact on the neighbouring properties, by reducing noise and disturbance and ensuring that the shelter was fully screened from the closest neighbouring garden. This can be secured by condition.
- 5.11 With the above in mind, no objections are raised regarding the impact on the amenity of neighbouring properties.

### **Community facilities**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS29 (Community)

Local Plan Saved Policies:

GB23 (Limited infilling including local community facilities in the Green Belt in the areas defined in Policies GB4 and GB5)

- 5.12 The above policies seek to ensure that community facilities, including public houses, remain open to serve their communities. The proposal would help enable the continued viability of the pub, so there is no conflict in this regard.

## **6.0 Weighing and balancing of issues / Overall Assessment**

- 6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 6.2 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

- 6.3 As set out above it is considered that the proposed development would accord with the development plan policies.
- 6.4 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

## **7.0 Working with the applicant / agent**

- 7.1 The agent was updated regarding the likely recommendation and progress of the application and offered the opportunity to speak at the Planning Committee meeting.
- 7.2 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 work proactively with applicants to secure developments.
- 7.3 The Council works with the 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.

## **8.0 Recommendation: Conditional Permission, subject to the following conditions:-**

1. The container currently located within the car park shall be removed within one month from the date of this permission and the scheme for parking and manoeuvring shown on drawing number '2023/372/002 Rev A' (received 30th January 2023) shall also be laid out within one month of the date of this permission. The approved parking area shall thereafter be retained unobstructed other than for the parking of vehicles in association with the Public House.  
Reason: To enable vehicles to draw off, park and turn clear of the highway in order to minimise danger, obstruction and inconvenience to users of the adjoining highway.
2. Within one month of the date of this permission, details of a solid screen to be erected to the south west end of the shelter shall be submitted to and approved in writing by the Local Planning Authority, along with a timetable for its installation. The screen shall be erected in accordance with the approved details and shall be retained in place thereafter.  
Reason: In order to minimise adverse impacts of the development upon the amenity of neighbouring dwellings.
3. No customers shall be permitted to enter or remain in the shelter hereby permitted from 21:00 hours, to the time that the premises ceases to be open to the public each day.  
Reason: In order to minimise adverse impacts of the development upon the amenity of neighbouring dwellings.
4. No lighting shall be fixed to the shelter hereby permitted unless details of such lighting have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall then only be installed in accordance with the approved details and shall not thereafter be altered without the prior express consent of the Local Planning Authority other than for routine maintenance which does not change its details.  
Reason: In order to minimise adverse impacts of the development upon the amenity of neighbouring dwellings.

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>
30 Jan 2023	2023/372/001 Rev A
30 Jan 2023	2023/372/002 Rev A
30 Jan 2023	2023/372/003
30 Jan 2023	2023/372/004

and in accordance with any other conditions imposed by this planning permission.

Reason: To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.



## **APPENDIX A: Consultation Responses and Representations**

### **Parish Council**

Little Missenden Parish Council Object to the proposed structure on the basis that car parking spaces are lost which impacts on the local vicinity. There is also, currently, a large container in the carpark which takes up more of the parking spaces, reducing them even further. The structure also has the potential to encourage anti-social behaviour. LMPC request that terms of the alcohol licence be checked prior to any decision being made.

### **Third party representations**

Two letters of objection have been received – main points summarised below:

- Object to presence of the large container and shelter.
- A large green container in car park has been replaced with a longer blue container.
- Container has been there for over two years; Highways department has stated that it appears to be a temporary feature; questions how long the new container will be there; new container should be taken into consideration.
- A new landlord has moved in.
- ‘Smoking shelter’ is now called an ‘outside terrace and benches with pergola covering’ for 40.

One letter of objection from Grace Baptist Charities Ltd – main points summarised below:

- The negative impact of reduced car parking spaces on the locality; 13 cars have not been able to fit on the site and the number of cars has been over-estimated; a large green container in the car park since 2019 which takes up at least two other parking spaces; car park reduced to 9 spaces; limited manoeuvrability due to shelter.
- The current use of the shelter; concern that shelter will continue to act as an extension to seating capacity rather than the smoking shelter proposed in this application; current licence does not provide the necessary allowances to have 30 seats outside; support comments do not fit with use as a smoking shelter; rodent problems; increased level of noise from customers using the area until the early hours of the morning; loud shouting, singing and foul/vulgar language.
- The proposed use of the shelter; if the structure is to be used as a smoking shelter, it is too close to GBCL’s properties on Brays Lane and therefore smoke will impact the Manse and Chapel; neighbouring property opens doors and windows during hot periods; smoke fumes dangerous to local residents; GBCL’s tenants and families should be free to enjoy their garden without breathing in smoke fumes; how will 9pm cut off be enforced; smoking shelter very large, other shelters are smaller.

Five letters of support have been received – main points summarised below:

- Shelter provides a valuable asset to our village pub; use by children and families; a daytime al fresco dining area; offering an outside alternative to sitting on benches on the common.
- Sn; particularly for those who still feel uncomfortable going into busy pubs.
- Shelter is discrete and well within the public house confines; unobstructive; planted up with hanging baskets and climbers.
- Anything to assist the business during difficult trading conditions is essential for pub’s viability.

- Smoking shelter away from front door.
- No problem with open spaces being used.

**Consultation – Highways Officer:**

Hyde Heath Road is a C-classified road subject to a speed restriction of 30mph in this location. This application seeks retrospective permission for a single storey, open sided detached shelter to the side of the public house.

In terms of parking, the site is located in Residential Zone C and Non-Residential Zone 2 as set out in the Buckinghamshire Countywide Parking Guidance (BCPG) policy document. As confirmed with the Case Officer, the pub, which has food provision, now comes under a Sui Generis use and therefore does not have a specific parking requirement within the standards. As such, for the purposes of this assessment, I consider the closest parameter within the BCPG to be Use Class A3 (Public House and Restaurant), which requires 1(no) space to be provided per 12sqm of floorspace.

Mindful of the above, I consider the existing total ground floor seating area of the Public House to calculate approximately 88sqm. In addition, when assessing the plans, the floor area of the proposed shelter measures approximately 27sqm. This brings the total floor space to approximately 115sqm and as such, generates a parking requirement of 10(no) parking spaces. However, the site also comprises of a dwelling on the first floor which generates a parking requirement of 2(no) spaces. Therefore, in total, the site requires 12(no) parking spaces.

In regard to the site’s existing parking arrangement, the plans demonstrate a provision of 11(no) off-street parking spaces. However I note, using online tools, there appears to be a large container at the rear of the parking area which reduces parking. As this appears to be a temporary feature, I will recommend a condition to ensure that the parking indicated on the plans are laid out prior to the initial occupation of the development.

Nonetheless, the development ultimately leads to the displacement of 1(no) parking space onto the public highway. Whilst this is the case, displacement would occur outside of the main network peaks and would not coincide with residential peaks either. In addition, there is the possibility that the dwelling on the first floor is ancillary to the Public House and used by staff members, which would subsequently reduce the site’s parking requirement. With this in mind I do not consider the slight shortfall in parking provision to result in a ‘severe’ impact on the local road network within the context of Paragraph 111 of the NPPF, nor could this be justified as a reason for refusal of the application in this instance.

Mindful of the above, I do not have any objections to the proposed application subject to a condition.

**Consultation – Environmental Protection Officer:**

The shelter is situated in close proximity to dwellings and has been cited in a number of complaints concerning noise and artificial lighting over the past few years. In order to mitigate the potential harm to nearby residential amenity I suggest the use of the following conditions should the local planning authority be minded to grant permission (summarised):

1. Shelter not used after 9pm;
2. Details of any lighting to be approved.

**APPENDIX B: Site Location Plan**

65.5m



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