



East Buckinghamshire Area Planning Committee agenda

Date: Tuesday 16 June 2020

Time: 6.30 pm

Venue: Via Video Conference

Accessible to members of the public online at

<https://buckinghamshire.public-i.tv/core/portal/home>

Membership:

D Bray, J Burton, J Gladwin, C Jones, P Jones, J MacBean, N Rose, J Rush, N Southworth, M Titterington, J Waters and C Wertheim

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If you have any queries regarding this, please contact the monitoring officer at monitoringofficer@buckinghamshire.gov.uk.

Public Speaking

If you have any queries concerning public speaking at Planning Committee meetings, including registering your intention to speak, please speak to a member of the Planning team – planning.csb@buckinghamshire.gov.uk 01494 732950. Please refer to the Guide to Public Speaking at Planning Committee [here](#).

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Site Location Plans

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Penn

PL/19/3623/FA

Ward: Penn and Coleshill

Page No: 37

Proposal: Part two storey/part single storey side extension with rear gable to replace existing rear gable extension, rear dormer roof extension to accommodate habitable space in loft. New front and rear rooflights and changes to windows.

Recommendation: Conditional Permission

Merchants Yard, Elm Road, Penn, High Wycombe, Buckinghamshire, HP10 8LF

Latimer & Ley Hill

PL/19/3820/FA

Ward: Ashley Green Latimer and Chenies Page No: 43

Proposal: Erection of detached dwelling

Recommendation: Refuse permission

Land to rear of Elmcroft, The Green, Ley Hill, Buckinghamshire, HP5 3QR

Little Missenden

PL/19/3828/FA

Ward: Holmer Green Page No: 52

Proposal: Erection of two detached dwellings with integral garages and creation of revised vehicular access.

Recommendation: Conditional Permission

Beechwood Park, 70 Beech Tree Road and Land to the rear of 72-76 Beech Tree Road, Holmer Green, Buckinghamshire, HP15 6UT

Chalfont St Peter

PL/19/3854/FA

Ward: Chalfont Common Page No: 62

Proposal: Demolition of existing dwelling and erection of a new dwelling (Amendment to approved consent CH/2017/1788/FA)

Recommendation: Conditional Permission

Bramblings, 43 Denham Lane, Chalfont St Peter, Buckinghamshire, SL9 0EP

Chalfont St Giles

PL/19/4110/FA

Ward: Chalfont St Giles Page No: 69

Proposal: Demolition and reconstruction of a new single dwelling house with associated works.

Recommendation: Conditional Permission

Chiltern Cottage, 8 Dibden Hill, Chalfont St Giles, Buckinghamshire, HP8 4RD

Great Missenden

PL/19/4163/FA

Ward: Prestwood And Heath Page No: 77
End

Proposal: Redevelopment of site to provide 2 detached dwellings with vehicular access, associated hardstanding, landscaping and car parking.

Recommendation: Conditional Permission

Chestnut House, Broombarn Lane, Great Missenden, Buckinghamshire, HP16 9JD

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: Jack Pearce / Leslie Ashton on 01895 837224 / 01895 837227, email democracy@buckinghamshire.gov.uk.

Planning Committee Virtual Procedural Rules

Introduction

The Secretary of State for Housing, Communities and Local Government made [Regulations](#) (The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020) ("the 2020 Regulations") to ensure local authorities can conduct business during the current public health emergency and this legislation was passed on 4 April 2020. The 2020 Regulations will apply to local authority meetings (full council, executive, joint committee, committee or sub-committee) held before 7 May 2021 from 4 April 2020. Councils can make standing orders in respect of virtual meetings, and will not be constrained by any existing restrictions.

Planning Committee (Area and Strategic Committees)

This meeting will be attended by Planning Committee members, officers, town and parish council representatives (in part), public objectors and supporters (in part), applicants/agents (in part) and Buckinghamshire Council members not appointed to Planning Committee (in part) and observed by other interested members of the public and the press.

Prior to the meeting

Access to Information

The Council can hold and alter the frequency and occurrence of meetings without requirement for further notice.

The 2020 Regulations make provision for local authority members and officers, and the public, to have access to documents without attending council buildings and it will be sufficient for local authorities to publish the documents on their website. This includes notices, agendas, reports, background papers and minutes. The Proper Officer will give the requisite notice to the public of the time of the meeting, and the agenda, together with details of how to join the meeting which will be available on the website.

The obligation under the old Regulations (Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012) to supply copies of such documents in response to requests made by members of the public and on behalf of newspapers is disapplied.

The requirement in England for 5 clear days' notice to be given of principal council meetings, including annual meetings, still applies however notice can now be given on the council's website.

Time and Place of Meetings

Meetings can be held remotely, including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming even if particular members of the public cannot access them. This Council will use Microsoft Teams to hold virtual

meetings and will invite external participants to virtual meetings, if any, via email or telephone. Virtual meetings will be webcast via a link published on the meeting webpage.

During the meeting

Quorum for Meetings

The rules for quorum will still apply. The constitution states that if a quorum is not present within 10 minutes of the scheduled start of the meeting or such longer time as allowed by the Chairman, the business of the meeting will be adjourned. The Chairman may allow for flexibility around the start time of the meeting where there are any technical issues.

In the event of any apparent failure of the technology the Chairman should immediately determine if the meeting is still quorate. The Chairman could adjourn for 10-15 minutes to allow the connection to be re-established. If an individual Member's remote participation fails the Chairman may call a short adjournment of up to 5 minutes. However if the remote connection cannot be restored the meeting should continue providing it is quorate. The Member will have been deemed to have left the meeting at the point of failure. In relation to this meeting if the connection cannot be restored within a reasonable time the meeting can proceed but any Member who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.

Attendance at meetings and webcasting

A roll call or introductions will be made at the start of the meeting to record those present. The Chairman will confirm at the outset that they can see and hear all participating members and any member participating remotely should also confirm at the outset and at any reconvening of the meeting that they can see and hear the proceedings and the other participants. There is no requirement for councillors to sign their names on an attendance sheet when attending a meeting electronically. The Democratic Services Officer ("DSO") will maintain a list of attendance throughout the meeting.

To be classified as a 'member in attendance' and attend a meeting remotely, the following conditions must be satisfied;

- (a) councillors must be able to hear and (where practicable) see; and be heard and (where practicable) be seen by, other councillors in attendance at the meeting.
- b). All other members of the public must as a minimum be able to hear (but if practicable be able to view as well)

In practice this means that if councillors can be heard and hear each other and other members of the public not speaking can hear, this would fulfil the requirements of holding a virtual meeting.

Members of the press and public may only be excluded from a meeting in accordance with the Access to Information Rules and if they are causing a disturbance (see below).

The 2020 Regulations state that meetings being open to the public include access by remote means. Such access includes (but not limited to) video conferencing, live webcast, and live

interactive streaming and where a meeting is accessible to the public through such remote means, the meeting is open to the public whether or not members of the public are able to attend the meeting in person. For clarity, a meeting recorded and then posted online after the event would not satisfy this requirement.

The people on the Teams call who are present throughout the meeting are the Committee Members 'round the table' and any officer supporting the meeting. The public gallery, where Members can sit and observe the meeting alongside members of the public, is the webcast version. It is important to keep numbers in the meeting (except for those allowed to be present as Members) to a minimum to enable the proper flow of the virtual meeting.

Conflicts of interest

Where a councillor has a conflict of interest during a meeting they need to declare their interest at the start of the meeting or when the interest becomes apparent . If the interest is 'personal' having declared a personal interest the councillor may continue to speak and vote on the item of business concerned. If the councillor has a prejudicial interest they will need to declare the existence and nature of their interest and withdraw from the virtual meeting by muting the microphone and only returning to the meeting once the chairman has invited them back in.

Minutes of meetings

The Minutes of meetings will be signed and kept by the Chairman until government guidance allows councillors and officers to return the signed copy to the office.

Voting

The requirements for voting at a virtual meeting will be the same as those for physical meetings. Any amendments will need to be moved and seconded and the Chairman will ask the meeting if there is any dissent to the motion. The Chairman will conduct the vote by reading out the names of voting members (like a recorded vote). Each voting member, when asked by the Chairman, will state if they are for, against or abstain. Voting will be recorded by the DSO. The DSO can then read out the total numbers of members voting in favour, against and abstaining. If Members miss out (even briefly) on hearing contributions to an agenda item they cannot vote. For non-planning application items where votes are required agreement can be made by affirmation of the meeting.

External contributors addressing the meeting

Please refer to virtual public speaking protocol.

Questions

Questions will be asked in the normal way by Committee Members as set out in the Constitution.

When can the Chairman be interrupted ?

There are circumstances allowed for in the Constitution where the Chairman can be interrupted such as:-

- Technology is not working effectively
- Officer needs to provide advice
- Point of order or personal explanation

or any other situation which the Constitution or Chairman allows.

Disturbance during proceedings

The Constitution states that if anyone interrupts proceedings, the Chairman will warn the person concerned and, if they continue to interrupt, the Chairman will order their removal from the virtual meeting room. There may be circumstances where the person needs to be removed immediately, for example, if they are being inappropriate, and the Chairman can do this by muting their microphone. If there is a general disturbance, making orderly business impossible, the Chairman may adjourn the meeting for as long as they consider necessary.

Adjournments

People will remain on the call with microphones muted and cameras off until the meeting starts again. The Chairman may also want to consider having a comfort (screen) break for longer meetings. If there is a problem with the technology, the Chairman should adjourn the meeting . However, it does not stop a meeting going ahead provided it is still quorate because a person does not have access to the required technology in the first place. If technology fails for a wholly remote meeting, and the meeting is no longer open to the public, any decisions made could be challenged as unlawful, which renders the whole meeting incapable of proceeding. Therefore, the Chairman should adjourn until the remote meeting can be restored within a reasonable period, or at a time and date fixed by the Chairman or until the next ordinary meeting

The Council will try and achieve the best possible outcome.

Confidential/exempt items

There are times when council meetings are not open to the public, when confidential, or “exempt” issues (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. Each Member in remote attendance must ensure and verbally declare that there are no other persons present with them who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.

Where a Member can demonstrate a “need to know” they will be invited to any discussion on exempt items remotely as set out in the Constitution. They must confirm that the venue is secure, that no member of the public has access and that no recording of the proceedings is being made.

Contacts

All enquiries relating to the Virtual Planning Committee Meeting procedures should be directed to Democratic Services.

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Report to East Buckinghamshire Area Planning Committee

DEFERRED APPLICATION

Application reference CH/2017/0290/FA (Case Officer: Margaret Smith)

Siting of temporary rural workers' dwelling, erection of general purpose agricultural building and yard, formation of farm track.

Land to the North of Heath End Road, Little Kingshill, Buckinghamshire

Matter for consideration

1.1 Members will be aware that this planning application was heard by the Planning Committee at the meeting of 2 November, 2017. The original Case Officer's report is attached at Appendix 1.

1.2 The application was deferred to allow Committee Members more time to consider the financial information received from the consultant and to request further details. These details have been submitted. Various discussions have been undertaken since then, and the matter has taken some time to review and move forward.

1.3 The application site layout has also been revised, proposing the siting of the temporary rural workers' dwelling nearer to the access from Heath End Road and with an adjacent parking area. Also, since the receipt of this application, unauthorised development has taken place on this site including the siting of a residence at right angles to that proposed under this application, the laying of an access track along a different route to that proposed under this application, the enclosure of an area with close boarded fencing in the approximate position of the annotated manure heap and parking area, the erection of 2 polytunnels, yurts and other structures.

1.4 The following additional comments have been received from consultees:

Parish Council:

Objection:

- a) It is an inappropriate development within the Green Belt
- b) It is an inappropriate development within an Area of Outstanding Natural Beauty.
- c) There are no very special or exceptional circumstances that apply to justify the development within the Green Belt.
- d) In particular the business does not appear to be viable in its present or proposed format.
- e) The nature and size of the proposed dwelling is disproportionate and out of keeping with any rural development within the Green Belt.
- f) The plans with the application do not appear to have been amended to reflect all of the development that has already taken place on site such as the fencing off of footpaths.

Building Control:

1.5 Access for fire service will be needed requiring a 3.7m wide access road/drive between kerbs and designed to support 12.5 tonnes with a minimum 3.1m clearance between the entrance gates and with turning facilities.

Council's Independent Agricultural Consultant (Bourne Rural):

1.6 "The functional need for a worker to live on site to support an enterprise comprising 50 breeding female alpacas plus a further 100 alpacas, is a matter of agreement. However, I have previously raised concerns in relation to the financial viability of the proposed activity. The additional information provided has, to some extent, overcome those concerns and, although I am not entirely convinced as to the robustness of the financial projections submitted in support of the application, I consider the projections to be sufficiently sound as to meet the requirements for a temporary dwelling. I am satisfied that a temporary permission for a period of three years will allow the applicant the opportunity to demonstrate that the enterprise is capable of achieving financial viability and long-term sustainability.

1.7 However, I remain of the opinion that the development as proposed is inappropriately sited. There is no agricultural justification to require the siting of the agricultural building and temporary dwelling as proposed and there is scope to site the proposed development near to the existing access, in order to limit any unnecessary visual impact at this sensitive location.'

1.8 Since receipt of these comments on 23rd May 2019 an amended Location Plan has been received siting the proposed dwelling nearer to the existing access.

Third party letters received:

1.9 Three letters of support on following grounds:

- Considerable investment should be rewarded;
- Good diversification;
- Positive agricultural use;
- Fencing and dwelling are necessary for animal protection;
- Former derelict site has been enhanced;
- Revised siting of proposed temporary dwelling seeks to minimize visual impact;

1.10 Additional letters of objection have been received from 8 sources on the following grounds:

- Development has taken place without the benefit of planning permission;
- The proposed farm track is a substantial road with additional hardsurfacing for parking, temporary and permanent buildings;
- The proposed 3 bedroom dwelling is excessive;
- Disproportionate amount of buildings for the proposed agricultural use of the land;
- The works already carried out and the proposed additional development would materially change the character of this area within an Area of Outstanding Natural Beauty;
- The premises are used for a non-agricultural "Alpaca Experience" with tourist and retail uses;
- Increased traffic and disruption in an AONB and via adjacent villages from visitors to a non-agricultural 'tourist type' use;
- Development already undertaken is detrimental to the character of this part of the Green Belt, the AONB and wildlife;
- Unsightly erection of commercial fencing, polytunnel and buildings;

- Obstructing access to public footpaths;
- Financially unsound;
- The proposed occupier does not currently spend time on the site managing the animals;
- Despite poor weather conditions, the animals are not supervised suggesting that 24hr a day supervision is not essential;
- Contrary to Local Plan policy GB17 and Core Strategy policies CS19 and CS22.

1.11 Chilterns Conservation Board objection on the following grounds:

- Does not conserve and enhance the natural beauty of the AONB and great weight must be given to that because it is a statutory duty;
- No Landscape and Visual Impact Assessment has been submitted in accordance with the Landscape Institute's Guidelines for Landscape and Visual Impact Assessment (3rd Edition);
- The Chilterns AONB Management Plan 2019-2024 adopted in February 2019 is a material consideration;
- Contrary to policies D01, D02, D03, DP1, DP2, DP5, DP6, DP7 of the AONB Management Plan;
- LCA16.3 of the Bucks Landscape Character Assessment states that this part of Great Kingshill Settled Plateau should be maintained as a pocket of tranquillity;
- Contrary to the NPPF para 172;
- Bourne Rural noted that the proposed siting of the temporary dwelling and the agricultural building would create 2 separate areas of development, unnecessarily spreading development across the site.

Evaluation

1.12 The applicant has now provided further information. Following the deferral by Members, the agent verbally confirmed that the applicant would be willing to relocate the proposed temporary dwelling, although he maintained that it is preferable for it to be close to the Alpacas for welfare reasons, and/or to marginally reduce the size although the agent maintained that it is no larger than a maximum sized caravan and is needed for the farmer and dependents.

1.13 An amended site layout plan has now been received which proposes the siting of the proposed temporary worker's dwelling adjacent to 2 parking spaces and a former manure heap near to the entrance from Heath End Road. However, the amended site plan continues to show a proposed access, comprised of crushed stone, crossing the site to the eastern boundary and then turning northwards, to serve the proposed new agricultural building with an associated parking area and the alpaca fields further to the north-east. No amended plan has been submitted proposing the re-siting of the new agricultural building near to the entrance from Heath End Road.

1.14 The further information submitted since the previous Committee consideration includes the following:

- Labour:** The scale of the proposed business will enable greater efficiency and so it is reasonable to estimate a lower unit rate per head of livestock, and the labour requirement is different to the need for an essential presence on the land.
- Fixed Costs:** A notional return on land through rental or on working capital was not included in the figures because any appreciation in the value of the land would only be realised on its disposal. However, the figures have been revised and the cost of 1.5 units equates to £22,500 per annum, which exceeds the projected costs of the business.

iii **Capital Costs:** The cost of additional alpacas will be met from the applicant's private funds, which are separate from the day to day financial conduct of the business. The opportunity cost of that capital employed is allowed for as a cost, at 2.5%.

iv **Hay and Stocking Rates:** Bourne Rural quote stocking guidance from Nix at 5 alpaca per acre whereas Nix (46 Edition) indicates 5-8 alpaca per acre i.e. a maximum stocking density of 240 alpaca. Consequently there is flexibility to produce hay at the unit as a result of pasture management. However, for the avoidance of continued dispute income from hay production and livery has been removed.

1.15 The agent states that the revised projection shows a business that can achieve viability within the 3year period.

1.16 The agent for this application has also confirmed that the agricultural building is the only permanent agricultural building; a building across the road is only used on a casual basis.

1.17 The agent had also confirmed that the originally proposed siting of the temporary dwelling and the new building was so that they were near to the birthing paddocks, which are sited to the north of the footpath for reasons of safety and convenience and to accommodate the whole herd. Also the agent was of the view that the proposed siting would have minimal impact on the landscape and the proposed track would have no significant landscape impact.

1.18 The Council's Agricultural Consultant has reviewed the additional viability information that has been submitted and has concluded as follows:

i The agent has acknowledged that livery income and hay income should be removed, a return on working capital should be included, a notional rent on bare land should be included, an increased labour requirement should be incorporated, Band A Council Tax should be included and depreciation should be incorporated.

ii The application initially indicated that at Year 3 the enterprise would generate a labour requirement of 1 full time worker and 1 part time worker, this has now been revised to 2.5 full time workers with a 25% reduction for economies of scale. However, these agents would normally expect the need for 3.3 workers at Year 3 with a 25% reduction for economies of scale to 2.5 workers but an additional 15% for management and maintenance, totalling 2.9 workers. At an average labour cost, the total labour cost at Year 3 would exceed the projected profit.

iii The financial projections do not take into account all relevant costs and expenditure, for example, stock purchases and investment in infrastructure, tracks, log cabin purchase and the construction of the agricultural building, provision of electricity and water to the site and insufficient projections for depreciation compared to actual depreciation in years 2015/16.

iv Stock depreciation and purchases are not included in the financial projections.

v The purchase costs, falling value of stock and cost of production etc., is also not evident in the stock valuation figures.

1.19 The Council's Agricultural Consultant concludes 'For an enterprise to be considered viable and sustainable, it is necessary to ensure that it can be shown to provide a reasonable return on the land, labour and capital used in the business. Based on the information provided, it is concluded that the applicant has failed to demonstrate that the proposed enterprise is capable of achieving financial viability and sustainability.'

1.20 However, the Council's Agricultural Consultant does consider that there is an essential need for an agricultural worker to live on site, and that the agricultural building is reasonably

required for the purposes of agriculture. Although there are some uncertainties over the financial projections, the Council's Agricultural Consultant has concluded that a temporary permission would give the opportunity for the business to become established as planned. Consequently, the Council's Agricultural Consultant has now concluded that there could now be no reasonable objection to granting the siting of the proposed temporary building for a period of 3 years in order to enable a review of the enterprise's finances at the end of that time period. If, at the end of that period, the enterprise has not become financially secure and shows no prospect of doing so, then permission would not need to be granted for a further period for the mobile home.

1.21 With regard to siting, the Council's Agricultural Consultant previously raised concerns in relation to the proposed siting of the mobile home and the agricultural building some 280m and 370m respectively from the access; that proposed siting creating two distinct areas of development for which there is no agricultural justification; and that proposed siting generating a requirement for a significant access track. An attempt to address this objection has been proposed by way of the amended layout, siting the proposed temporary dwelling adjacent to a proposed parking area but two distinct areas of development would still pertain and a significant access track would still cross the application site.

1.22 With regard to the applicant's previous comments that the agricultural building needs to be closely related to the paddocks which are sited on the north side of the public footpath running through the field, so that stock may be moved by use of the races, the Agricultural Consultant has advised that in order to graze the number of alpacas proposed, the whole of the land holding will be needed for grazing land. The majority of the land lies to the south of the footpath and so a proposal to site the agricultural building to the south of the footpath adjacent to the amended siting of the proposed temporary dwelling would seem to be reasonable and appropriate.

1.23 Furthermore, the Council's Agricultural Consultant has stated that it is usual to site buildings near to the access to a site to provide increased security and to allow for ease of access and that would negate the requirement for the proposed track. Furthermore, animals would normally be able to be walked across the holding, and in the event of transportation being required, agricultural vehicles are designed to cross uneven terrain such as fields.

1.24 The Council's Agricultural Consultant concluded, 'There is scope to consider alternative sites on the holding, which would continue to meet any identified needs of the proposed agricultural activity but reducing the visual impact of the proposed development.' Indeed, there would be scope for the enterprise's birthing and sickness paddocks to be relocated nearer to the access if that was considered essential.

1.25 As stated above, the amended site layout plan now proposes the siting of the proposed temporary worker's dwelling adjacent to 2 parking spaces and the annotated manure heap near to the entrance from Heath End Road. However, the amended site plan continues to show a proposed access, comprised of crushed stone with a width of 3 metres, crossing the site to serve the proposed new agricultural building with an associated parking area and the alpaca paddocks further to the north-east. Furthermore, the dwelling that has now been sited is at right angles to that shown on the amended site layout plan and the proposed access does not follow the proposed access route and other structures are also now sited on the land within the applicant's ownership.

1.26 As stated in the original report to the Planning Committee, this site is located within the open Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB) and the site is highly visible from public vantage points including from the public footpaths that run along the eastern and western boundaries of the land owned by the applicant, and that run diagonally across it.

1.27 Within the open Green Belt most development is inappropriate and there is a general presumption against such development. Although buildings for agriculture are one of the limited exceptions to development within the Green Belt, agricultural worker's dwellings are not listed and so the proposed temporary dwelling constitutes inappropriate development. Chapter 13 of the National Planning Policy Framework (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 and local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

1.28 Policy GB17 of the Local Plan is largely consistent with the NPPF and states that in the Green Belt, a new agricultural workers dwelling will only be acceptable where it can be demonstrated that it is essential to the operation of an established agricultural holding and that an exposed position will not be accepted and that it should be no larger than is necessary to accommodate a worker and his or her immediate dependents.

1.29 With regard to the siting of this proposed development within the AONB, Chapter 15 of the NPPF also states that great weight should be given to conserving and enhancing landscape and scenic beauty within them and the scale and extent of development should be limited.

1.30 The amended site layout proposing the siting of the temporary dwelling near to the access from Heath End Road is less exposed. The application is for a temporary permission and it is not unusual for the Local Planning Authority to grant a temporary planning permission for 3 years to enable an enterprise to develop, in accordance with Core Strategy Policy CS19 and Paragraph 83 of the NPPF which seek to support the rural economy. After the 3 year period, if the business has not succeeded and the applicant has failed to demonstrate that the business is financially sound, the Local Planning Authority has the opportunity to refuse a permanent planning permission at that stage. To prevent a rural business such as this from developing, where it has been established that there is an essential need for a worker to live on site, would be contrary to the aims of Policy CS19 and paragraph 83 of the NPPF.

1.31 Furthermore, the proposed dwelling is a low level temporary structure with 3 bedrooms. This is not considered to be unreasonable and is comparable to other agricultural worker's dwellings, which have been permitted within the former district. As such, no objections are raised with regard to the size of the proposed dwelling.

1.32 However, the proposed agricultural barn is still shown to be sited in the north-east corner of the site and would be visually intrusive and its relocation nearer to the access point and near to the proposed temporary dwelling would reduce the need for the extensive track.

1.33 One of the reasons why the agricultural building is required is to house livestock when the animals are ill or in labour. Although it was initially argued that it would be most practical to

locate the dwelling and barn close to the paddocks that had been arranged in the north, the paddocks would not be surveyed throughout the night when the worker is asleep and it seems that the paddocks have been illogically sited away from the site access and could be re-sited.

1.34 As such, the proposed siting of the agricultural building, near to an unauthorised polytunnel, is unnecessary and unduly prominent and has resulted in a demand for a long access road both of which cause significant harm to the openness of this part of the Green Belt and the landscape and scenic beauty of this part of the AONB. In the absence of any very special circumstances to clearly outweigh the harm of the proposed access track by reason of its inappropriateness and additional visual harm and in the absence of any very special circumstances to clearly outweigh the harm from the adverse impact of the proposed exposed, siting of the agricultural building and the access road in this AONB, these developments are unacceptable.

Conclusion

1.35 The additional information submitted by the agents is in response to the matters for which the application was deferred from the previous Planning Committee meeting and to address continuing concerns regarding the siting of the proposed dwelling and agricultural building, and the proposed access track. The Council's Agricultural Consultant no longer objects to the proposed temporary dwelling subject to the imposition of a limited period condition, but notwithstanding the amended siting of the proposed temporary dwelling, an objection still stands regarding the siting of the proposed agricultural building and the length of the proposed access track.

RECOMMENDATION: Refuse permission

1.36 The recommendation, on the basis of the additional information, is to resolve to recommend Council refuse the proposed development for the reason below.

REASON

1. The siting of the proposed general purpose building and the length and siting of the associated access would have a potentially intrusive impact upon their setting in the landscape, which would contribute to the erosion of the openness of this part of the Green Belt, which is its essential characteristic and would encroach into this part of the countryside. Furthermore, the proposal would fail to conserve or enhance the natural beauty of the rural landscape of this part of the Chilterns AONB. As such, the proposal is contrary to policies GB2, GB17 and LSQ1 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011; Policy CS22 of the Core Strategy for Chiltern District (Adopted November 2011); Policies DM NP1 and SP PP1 of the Draft Chiltern Local Plan: 2036, and sections 13 and 15 of the National Planning Policy Framework (2019).

INFORMATIVES

1. The applicant is advised that the existing mobile home, access road and polytunnels on the holding are unauthorised and are in breach of planning control. Until or unless planning permission is granted, these structures should be removed from the site to avoid any formal enforcement action.

2. The applicant is advised that Footpath GMI/40/1 crosses part of this site and must not be obstructed.

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

Main List of Applications 2nd November 2017

CH/2017/0290/FA

Case Officer: Melanie Beech
Date Received: **15.02.2017** Decide by Date: **01.11.2017**
Parish: **Great Missenden** Ward: **Prestwood And Heath End**
App Type: Full Application
Proposal: **Temporary rural workers dwelling, erection of general purpose agricultural building and yard, formation of farm track**
Location: **Land To The North Of
Heath End Road
Little Kingshill
Buckinghamshire**
Applicant: **Latton Alpacas**

SITE CONSTRAINTS

Article 4 Direction
Adjacent to C Road
Area Special Advert Control
Within Chilterns Area of Outstanding Natural Beauty Adjacent
Public Footpaths and Public Rights of Way
Within Green Belt other than GB4 GB5
Public footpath/bridleway
Gas and Oil Pipe Lines
Within 500m of SINC NC1

CALL IN

Councillor Gladwin has requested that this application be determined by the Committee, regardless of the officer's recommendation.

SITE LOCATION

The application site is situated on the northern side of Heath End Road on the western edge of Little Kingshill. The site is located within the open Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB). Public footpaths run along the eastern and western boundaries of the land owned by the applicant, and diagonally across it.

Classification: OFFICIAL

The applicants operate an alpaca breeding business from the land, which is known as Latton Alpacas Ltd. There are currently 73 alpacas on the land, as well as some low level post and rail fencing to create paddocks, and 3 small timber feed shelters. In addition, there is a polytunnel and a yurt which do not currently benefit from planning permission. A current enforcement investigation is pending consideration.

Latton Alpacas Ltd also rent some land to the south of Heath End Road (outside of the application site) which includes an agricultural barn and small shop selling alpaca related products.

THE APPLICATION

The application seeks temporary planning permission for the siting of an agricultural workers dwelling to be situated on the southern side of the land owned by the applicant. The submitted plans show a single storey timber clad building measuring 19.6 metres in width, 6.5 metres in depth and 4 metres in height (with an eaves height of 2.6 metres). The accommodation includes a living area, dining area, kitchen, utility, wet room, 3 bedrooms, an en-suite and a bathroom.

In addition, a new agricultural barn is proposed to the south of the existing alpaca paddocks, to be used for general storage purposes. The proposed barn is to be constructed of dark green profiled steel sheeting with a mineral felt roof. It measures 20 metres wide x 6 metres deep. It is 6 metres high with an eaves height of 4.5 metres.

Finally, a new track is proposed from the road to the new dwelling, barn and alpaca paddocks. This will be made of crushed stone and is approximately 3 metres wide.

RELEVANT PLANNING HISTORY

According to available Council records, there is no relevant planning history for this site.

PARISH COUNCIL

Great Missenden Parish Council and Little Missenden Parish Council object to the application on the grounds of inappropriate development in the Green Belt and the AONB.

Little Missenden Parish Council add that the following points:

- The proposed increase in the business will lead to considerably more traffic into the site.
- The applicant has not considered alternative accommodation in the area (5 properties have been available for rent or purchase in close proximity to the site in the last 2 years).
- The tests of Section 55 of the NPPF and Policy GB17 of the Local Plan have not been met.
- The footpaths across the site are well used and will be impacted by the proposal.
- It appears the intention is to transform the site into a commercial complex with 'Alpaca experiences' and 'crafting courses'. These are not mentioned in the application.
- The proposed barn is large. Suggest reducing the height and rotating it by 90 degrees.

REPRESENTATIONS

12 letters of objection have been received, which are summarised below:

- The proposed buildings and track would be obtrusive, out of keeping and inappropriate in the Green Belt and AONB. They would be clearly visible from surrounding countryside and footpaths.
- An application for stables nearby was refused on similar grounds (CH/2007/0647/FA)
- New dwelling would encroach on the separation between Great Kingshill, Little Kingshill, Heath End and Prestwood
- New dwelling is unjustified as other rental accommodation is available locally, there is no evidence of theft, there are no signs displayed about keeping dogs on leashes and no attempt has been made to spread the current time spent on the site

Classification: OFFICIAL

- A new dwelling would not deter people and dogs from using the footpaths
- New dwelling would set an unwelcome precedent
- New dwelling would impact negatively on outlook of neighbouring properties and cause loss of privacy for The Steading
- New dwelling would be better sited in the southern corner
- New dwelling is large for a single worker
- It is likely that the new dwelling would become permanent, and/or let out for holiday rental/B&B. This application tries to circumvent Green Belt laws.
- Proposal is inconsistent with NPPF and Development Plan (Policies GB17, CS19 and CS22).
- Use of planning permission CH/2016/1788/FA as justification for this development is disturbing
- A more suitable solution would be for a more appropriate dwelling such as a yurt or mobile home for the few weeks of the year when 'lambing' occurs.
- Query the business plan, which is not fully available for public viewing
- Applicant will soon be of retirement age and the qualifications/interest of the son in the business is questionable
- No mention of other activities promoted at the site such as visits by groups, the craft shop and courses, or the other land and barn used by the applicant
- Barn is not justified given the availability of another barn which is not mentioned in the application, alpacas are able to cope with extreme weather and need minimal supervision.
- The land was in good condition before the business arrived, which has failed to maintain the land
- The polytunnel, yurt and stables are the subject of a current enforcement investigation
- Proposed development does not create additional jobs, contribute to the housing targets in the Local Plan or provide any benefit to the community
- There are many other alpaca farms in Buckinghamshire.

1 letter of support has been received which is summarised below:

- The applicants are good neighbours
- The business supports other rural local businesses and the local economy
- The business plan is genuine and sound
- A temporary agricultural workers dwelling has recently been permitted on Windsor Lane.

CONSULTATIONS Buckinghamshire County Council – Highway Authority

There would be no material increase in traffic and therefore no objection subject to a condition that the dwelling is only used by workers associated with the site.

Bourne Rural Planning Consultancy

Bourne Rural Planning Consultancy have summarised the existing facilities on site, the existing alpaca enterprise and the proposed development. The consultant has set out the relevant planning policies and provided an assessment which is summarised below:

- The proposed enterprise would generate the essential need for a worker to live on site
- Another dwelling nearby would not be suitable to meet the welfare requirements of the developed enterprise
- The proposed agricultural building is reasonably required for the functioning of the agricultural enterprise, is a reasonable size and is well related to the needs of the business
- However, the siting of the dwelling and the agricultural building is not justified in agricultural terms and siting the buildings closer to the access point would remove the need for the track - The consultant considers that the proposed dwelling may be larger than necessary
- She also considers that from the financial projections provided, it is not possible to conclude that the enterprise is capable of achieving financial viability and sustainability.

Building Control

The new track will need to meet the requirements of the fire brigade, and the bedrooms will require means of escape windows due to their inner room arrangement.

Buckinghamshire County Council - Strategic Access Officer

No objection

POLICIES

National Planning Policy Framework (NPPF), March 2012.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS19, CS20, CS22, CS25, CS26.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC3, GB2, GB17, GB27, LSQ1, TR2, TR11, TR16.

Chilterns Buildings Design Guide, February 2010.

EVALUATION Principle of Development

1. The site is within the open Green Belt where most development is inappropriate and there is a general presumption against such development. Chapter 9 of the National Planning Policy Framework (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.

Proposed Dwelling - Essential Need

2. Paragraph 89 of the NPPF clearly states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. Although paragraphs 89 and 90 outline some exceptions to this, new agricultural workers dwellings are not included in the list of exceptions. As such, the proposed dwelling is inappropriate development in the Green Belt. In accordance with paragraph 87 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). In accordance with paragraph 88 of the NPPF, VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

3. Paragraph 55 of the NPPF states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. Often, but not always, the special circumstances demonstrated for an essential worker's dwelling under paragraph 55 can be accepted as VSC which would allow a new dwelling in the Green Belt.

4. Policy GB17 of the Local Plan is largely consistent with the NPPF and states that in the Green Belt, a new agricultural workers dwelling will only be acceptable where it can be demonstrated that it is essential to the operation of an established agricultural holding.

5. The applicant has submitted a Planning Statement and a Business Plan to demonstrate why it is essential for an agricultural worker to permanently live on the site. The reasons include the following:

- Supervision of the Alpacas during mating (This can take place any time throughout the year and often needs intervention to ensure fertilisation).

- Supervision of the Alpacas during breeding (a typical gestation period for an Alpaca is 320-360 days and delivery dates are hard to predict)
- Supervision of the Alpacas during birth (problems can often occur and cold/wet weather can be fatal to new born Alpacas)
- Supervision of new born Alpacas (who often need help with feeding every 2 hours throughout the day and night)

Security of the site (Alpacas are sensitive animals and given the public footpaths, are in close proximity to dogs)

- Constant monitoring of the Alpacas, who give little indication of being ill aside from acting out of character.

6. The applicant considers that their current dwelling in Bois Avenue (15 mins drive away) is not suitable for the level of supervision required, and therefore there is an essential need for an agricultural worker to live on site, which is within sight and sound of the Alpacas.

7. The Council has employed the expertise of Bourne Rural Planning Consultancy for advice on whether there is an essential need for the proposed dwelling to support the agricultural activity. The consultant has concluded that the proposed enterprise does generate the essential need for a worker to live on site and that another dwelling nearby would not be suitable to meet the welfare requirements of the developed enterprise.

8. However, she considers that there is no agricultural justification for the proposed siting for the agricultural barn or dwelling, and that there is scope to consider alternative sites within the holding which may be less visually intrusive. She considers that siting the proposed development nearer to the access point would reduce the need for the track.

9. In addition, she considers that the proposed dwelling is larger than necessary, and the financial projections provided do not adequately demonstrate that the enterprise is capable of achieving financial viability and sustainability.

10. Taking these comments into account, it is considered that there is an essential need for an agricultural worker to live on this site. In terms of the financial projections, the applicant has submitted a business plan, setting out the plans for the next three years. In this regard, the comments from Bourne Rural Planning Consultancy are noted. However, the application is for a temporary permission and it is not unusual for the Local Planning Authority to grant a temporary planning permission for 3 years. This is to enable the enterprise to develop, in accordance with Core Strategy Policy CS19 and Paragraph 28 of the NPPF which seek to support the rural economy. After the 3 year period, if the business has not succeeded and the applicant has failed to demonstrate that the business is financially sound, the Local Planning Authority has the opportunity to refuse a permanent planning permission at that stage. To prevent a rural business such as this from developing, where it has been established that there is an essential need for a worker to live on site, would be contrary to the aims of Policy CS19 and paragraph 28 of the NPPF.

11. Furthermore, it is noted that the consultant has stated that it is often considered that an alpaca enterprise with a core breeding herd of 20 females generates the essential need for a worker to live on site. The current alpaca business on this holding is already well established and has 38 breeding females, which is proposed to increase to 50 females by year 3. An appeal decision relating to an agricultural workers dwelling on an alpaca farm in Wiltshire provides a helpful assessment of financial viability and states the following; "It would appear premature to reach a judgement that financial viability for the suggested enterprise would be out of the question at the end of the trial period. Therefore, on the basis that the alpaca and rabbit breeding

enterprise is already up and running, there is little reason to dismiss it as not having been planned on a sound financial basis before it has had the opportunity to prove itself during a trial period." (Appeal reference APP/Y3940/A/13/2200283)

12. Based on the current enterprise being up and running, which already has a number of alpacas on the land, it does not seem out of the question that the enterprise is based on a sound business plan which could be financially viable within 3 years. As such, it is considered reasonable to grant a temporary planning permission for 3 years, in order to allow the business to grow in accordance with Policy CS19 of the Core Strategy and paragraph 28 of the NPPF.

13. The siting of the proposed development and the size of the dwelling are discussed in paragraphs 1724 below.

Proposed Agricultural Barn - Reasonably Required

14. As stated above, paragraph 89 of the NPPF states that new buildings are inappropriate development in the Green Belt. However, one of the exceptions to inappropriate development listed in paragraph 89 is buildings for agriculture and forestry. As such, this element of the proposal is not inappropriate development and is acceptable in principle.

15. Policy GB27 of the Local Plan states that planning permission will be granted for new agricultural buildings where it has been demonstrated that the building is reasonably necessary for the functioning of the agricultural enterprise, that the unit is established or the proposed building would enable a fully operational enterprise to be established, and that no other building could be used or reasonably converted for the purposes intended for the proposed building. It is noted that Policy GB27 pre-dates the NPPF and sets out more stringent requirements for agricultural buildings. Nevertheless, the comments from Bourne Rural Planning Consultancy are noted and it is considered that the proposed building is reasonably required for the functioning of the agricultural enterprise and that it would enable the operational enterprise to be established.

16. Although the applicant rents land on the other side of Heath End Road, which includes an agricultural barn, there are no other authorised buildings on the holding and in order to effectively manage the land and develop the business as proposed, there is a need to have an agricultural building on the holding to provide for agricultural storage, livestock housing and the storage of machinery and equipment.

Siting of Proposed Dwelling and Agricultural Barn

17. Policy GB17 of the Local Plan states that where the need for a dwelling has been proven to the satisfaction of the Council, it should be sited within an established settlement or group of buildings. If this is not possible, the dwelling should be sited in a position which is not prominent within the landscape.

18. The agricultural consultant does not consider that the applicants have demonstrated an agricultural need to site the dwelling and agricultural building as proposed. As stated above, she considers that the development would be better placed closer to the access point.

19. In response to these comments, the applicant has stated that the agricultural building needs to be closely related to the paddocks which are sited on the northern side of the public footpath running through the field. This allows the stock to be moved by use of the races, which is the usual arrangement for handling camelids. Indeed, one of the reasons why the agricultural building is reasonably required is to house livestock when the animals are ill or in labour. It would seem unreasonable and impractical to require the new building to be located far away from the paddocks.

20. There are currently no existing buildings on the site but given the justification for locating the agricultural building close to the paddocks, it would seem reasonable to locate the dwelling close to the agricultural building so as to avoid two separate isolated developments. The agricultural consultant also advises that it may be anticipated that the dwelling be sited in close proximity to the agricultural building to provide ready availability of the worker to meet any welfare requirements associated with the housed livestock. Furthermore, one of the reasons that the dwelling is needed is to observe the alpacas more frequently. This is obviously more practical when the dwelling is located in close proximity to the paddocks. To locate the dwelling nearer the access point would reduce the effectiveness of frequently monitoring the animals.

21. It is also noted that the agricultural consultant considers that if the new building and the dwelling were located close to the access, it would reduce the need for the track. However, on the contrary, if the buildings are located far away from the paddocks, a track would be needed to transport the animals from the paddocks to the agricultural barn, particularly if they are ill or in labour. It is recognised that there is a reasonable requirement for the track to access the new agricultural building and dwelling.

22. Based on the above assessment, it is considered that the siting of the proposed agricultural building and dwelling are acceptable.

Size of Proposed Dwelling

23. Policy GB17 of the Local Plan states that the dwelling should be no larger than is reasonably necessary to accommodate a worker and his or her immediate dependents. The agricultural consultant believes that the dwelling may be larger than necessary and there may be scope for a smaller structure. In response to these comments, the applicant has stated that it is the intention for the Sapsford family to live in the temporary accommodation and it is normal to allow the worker and their immediate family to live in the workers dwelling. They also note that the proposed dwelling is within the dimensions of a caravan as defined by the Caravan Sites and Control of Development Legislation (20 metres long x 6.8 metres wide and 3.05 metres internal height).

24. The proposed dwelling is a low level temporary structure with 3 bedrooms. This is not considered to be unreasonable and is comparable to other agricultural workers dwellings which have been permitted within the district. As such, no objections are raised with regard to the size of the proposed dwelling.

Summary of Principle of Development

25. In summary, the comments from Bourne Rural Planning Consultancy are noted and it is considered that there is an essential need for an agricultural worker to live on site, and that the agricultural building is reasonably required for the purposes of agriculture. Notwithstanding the consultant's comments, it is also considered that the siting of the proposed development is justified and that although there are some uncertainties over the financial projections, a temporary permission can be granted to allow the business to become established as planned.

Design/Character & Appearance

26. The proposed dwelling is temporary in nature and as outlined above, is not considered to be any larger than necessary. It is a low level simple building to be constructed of dark stained timber cladding with a mineral felt roof.

27. The proposed agricultural building has a footprint of 120 square metre and in consultation with Bourne Rural Planning Consultancy Ltd, it is considered that the building relates well to the needs of the existing and the proposed enterprise. It is to be constructed of green profiled steel sheeting with a profiled fibre cement sheet roof. It will have the appearance of a standard agricultural building.

28. The proposed track will be constructed of crushed stone through which the grass will grow. It is approximately 3 metre in width.

29. As stated above, the site is within the Chilterns AONB, where in accordance with the NPPF, great weight should be given to conserving the landscape and scenic beauty of the area. The area has a rural character and the development would be clearly visible from the footpaths adjacent to the site. However, given the appropriate design of the agricultural building and access track, and the simple design of the temporary dwelling, it is not considered that the proposal would harm the rural character of the area, or the landscape quality of the AONB.

Residential Amenity

30. The site is located approximately 80 metre away from the rear gardens of the nearest residential properties, which are situated along Heath End Road. The agricultural barn is sited even further away. Although the neighbouring comments are noted, given the distances to the properties, it is not considered that the proposal would unacceptably harm the amenities of any neighbouring properties.

Parking/Highway Implications

31. The comments from the Highway Authority are noted and no objections are raised with regard to the highway and parking impacts of the proposed development. This is because the proposal would not result in any material change in traffic generation and there is no intensification of the access.

Rights of Way

32. The comments from the Strategic Access Officer are noted and no objections are raised with regard to the impact of the proposals on the nearby Rights of Way.

CONCLUSION

33. Given that there is an essential need for an agricultural worker to live on the site, it is considered that special circumstances have been demonstrated. In this case, given the justification for the siting and the minimal harm to the character of the area, it is considered that there are very special circumstances which outweigh the harm to the Green Belt. No objections are raised to the impact on neighbouring amenities, parking or highway matters, or Public Rights of Way. As such, the application is recommended for approval, subject to conditions.

WORKING WITH THE APPLICANT

34. In accordance with Section 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

The Council works with applicants/agents in a positive and proactive manner by;

- Offering a pre-application advice service,
- Updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, the Council has considered the details as submitted which were considered acceptable.

HUMAN RIGHTS

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

RECOMMENDATION: Conditional permission Subject to the following conditions:-

- 1 The general purpose agricultural building hereby permitted 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 permission for a temporary dwelling is granted for a limited period only which will expire 3 years after the date of this permission. At the expiration of this period the dwelling hereby permitted shall be removed from the site immediately and the land reinstated to its former condition.

Reason: Whilst being satisfied in respect of the need for a temporary dwelling here to enable a viable agricultural enterprise to become established, the Authority wishes to take account of the viability of the enterprise at the expiry of this period before agreeing to a permanent dwelling to serve the enterprise.

- 3 Notwithstanding Section 55 of the Town and Country Planning Act, the temporary dwelling should only be sited in the location shown on the approved plans and constructed as shown on the approved plans, in the materials specified on the application form.

Reason: To ensure that the external appearance of the temporary dwelling is not detrimental to the character of the locality, in accordance with policies GC1 and LSQ1 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011).

- 4 The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry (including any dependents of such a person residing with him, or a widow or widower of such a person.)

Reason: The site is located in the Green Belt where permission for a new dwelling unconnected with an agricultural enterprise would not normally be permitted and because permission is granted having regard to the very special circumstances of the case.

- 5 AP01 Approved Plans

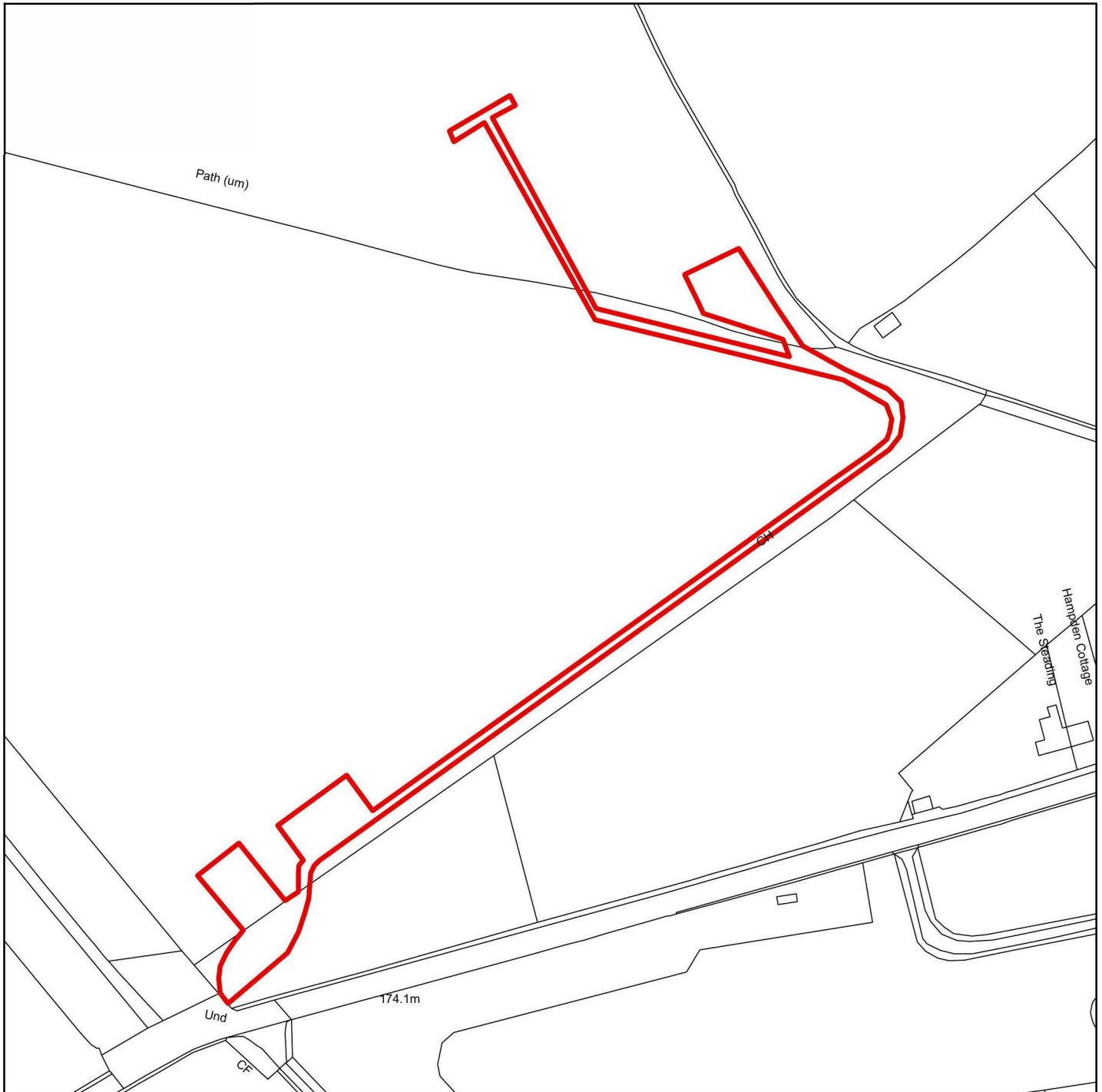
INFORMATIVES

- 1 INFORMATIVE: The applicant is advised that the existing yurt and polytunnels on the holding are unauthorised and are in breach of planning control. Until or unless planning permission is granted, these structures should be removed from the site to avoid any formal enforcement action.
- 2 INFORMATIVE: The applicant is advised that consultation with the County Council as highway authority will be required to ensure those sections of the private vehicular access track crossing Footpath GMI/40/1 are suitable for pedestrians.



CH/2017/0290/FA

Land To The North Of Heath End Road, Little Kingshill



Scale: 1:1,800

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Organisation	Buckinghamshire Council
Directorate	Planning, Growth & Sustainability
Comments	
Date	20/05/2020
SLA Number	100023578.2020

PL/19/3623/FA

Merchants Yard, Elm Road, Penn, High Wycombe HP10 8LF



Scale: 1:1,250

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Organisation	Buckinghamshire Council
Directorate	Planning, Growth & Sustainability
Comments	
Date	20/05/2020
SLA Number	100023578.2020

PL/19/3820/FA



Land To Rear Of Elmcroft, The Green, Ley Hill HP5 3QR



Scale: 1:1,250

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Organisation	Buckinghamshire Council
Directorate	Planning, Growth & Sustainability
Comments	
Date	20/05/2020
SLA Number	100023578.2020

PL/19/3828/FA

Beechwood Park, 70 Beech Tree Road and Land To The Rear Of
72-76 Beech Tree Road, Holmer Green HP15 6UT



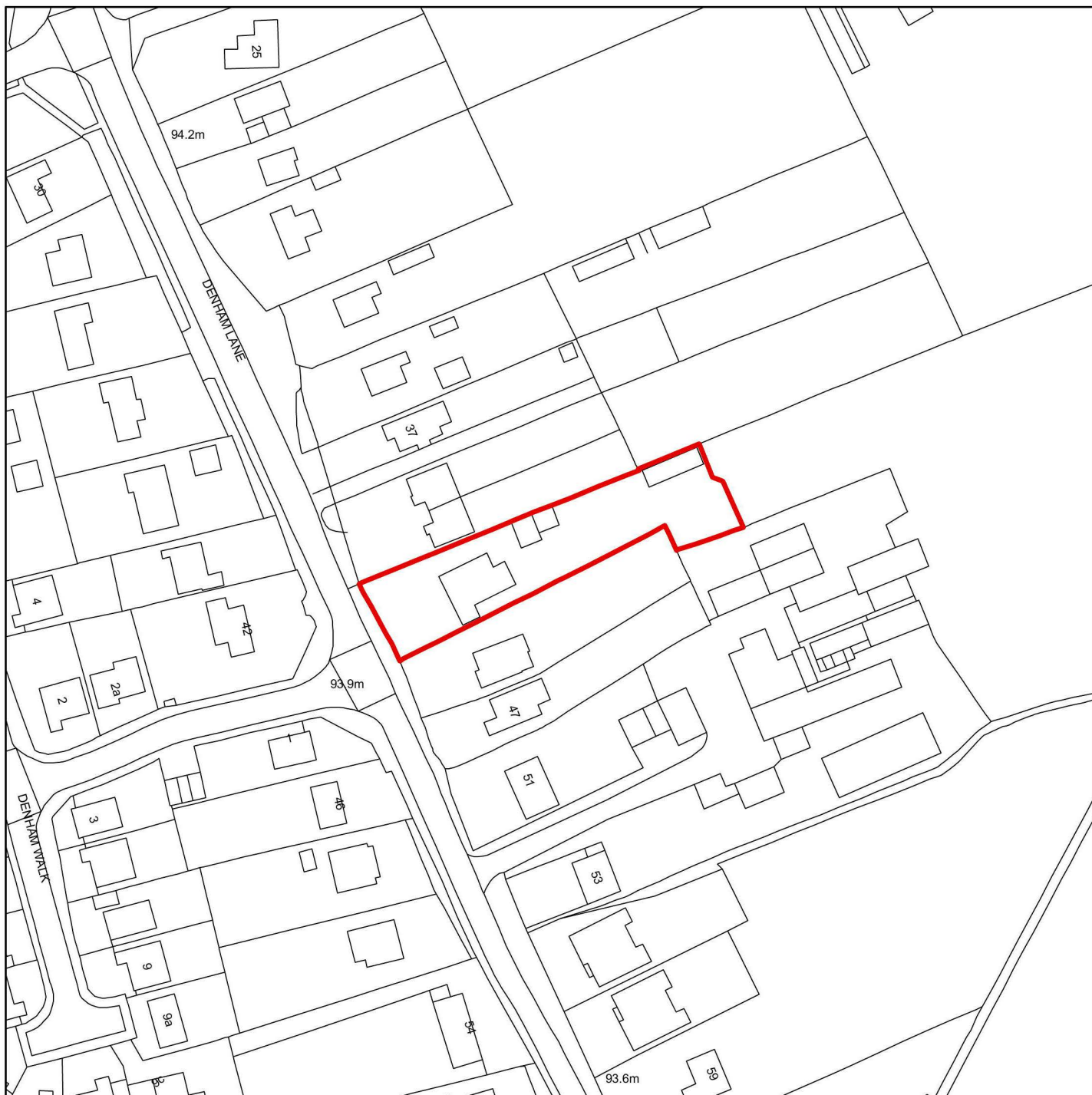
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Organisation	Buckinghamshire Council
Directorate	Planning, Growth & Sustainability
Comments	
Date	20/05/2020
SLA Number	100023578.2020

PL/19/3854/FA

Bramblings, 43 Denham Lane, Chalfont St Peter SL9 0EP



Scale: 1:1,250

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Organisation	Buckinghamshire Council
Directorate	Planning, Growth & Sustainability
Comments	
Date	20/05/2020
SLA Number	100023578.2016

PL/19/4110/FA

Chiltern Cottage, 8 Dibden Hill, Chalfont St Giles HP8 4RD



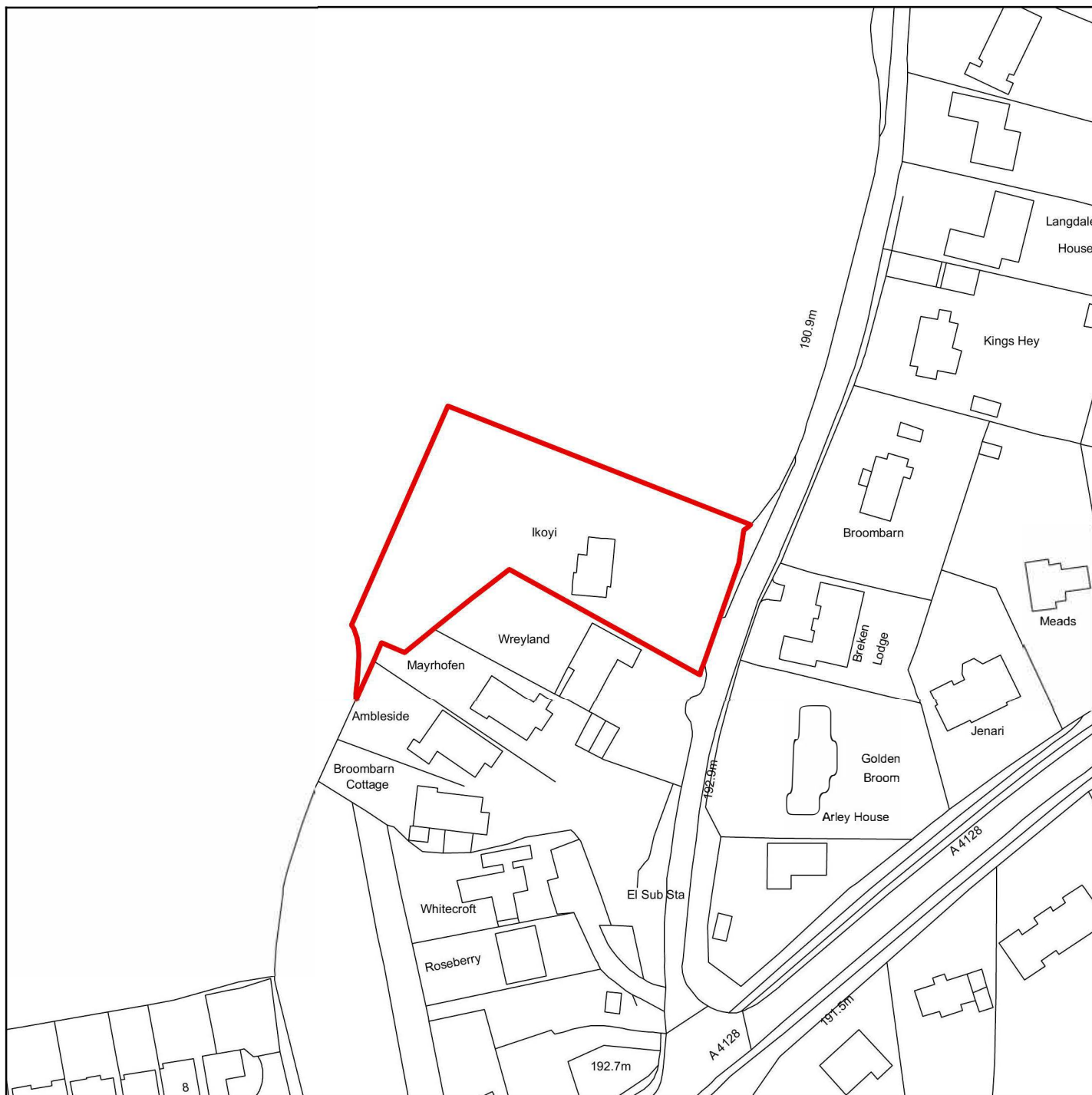
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Organisation	Buckinghamshire Council
Directorate	Planning, Growth & Sustainability
Comments	
Date	20/05/2020
SLA Number	100023578.2020

PL/19/4163/FA

Chestnut House, Broombarn Lane, Great Missenden HP16 9JD



Scale: 1:1,250

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Organisation	Buckinghamshire Council
Directorate	Planning, Growth & Sustainability
Comments	
Date	20/05/2020
SLA Number	100023578.2020

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Report to East Buckinghamshire Area Planning Committee

INDEX TO APPLICATIONS ON MAIN LIST OF REPORT

Penn

PL/19/3623/FA Ward: Penn and Coleshill Page No: 37

Proposal: Part two storey/part single storey side extension with rear gable to replace existing rear gable extension, rear dormer roof extension to accommodate habitable space in loft. New front and rear rooflights and changes to windows

Recommendation: Conditional Permission

Merchants Yard, Elm Road, Penn, High Wycombe, Buckinghamshire, HP10 8LF

Latimer & Ley Hill

PL/19/3820/FA Ward: Ashley Green Latimer and Page No: 43
Chenies

Proposal: Erection of detached dwelling

Recommendation: Refuse permission

Land to rear of Elmcroft, The Green, Ley Hill, Buckinghamshire, HP5 3QR

Little Missenden

PL/19/3828/FA Ward: Holmer Green Page No: 52

Proposal: Erection of two detached dwellings with integral garages and creation of revised vehicular access

Recommendation: Conditional Permission

Beechwood Park, 70 Beech Tree Road and Land to the rear of 72-76 Beech Tree Road, Holmer Green, Buckinghamshire, HP15 6UT

Chalfont St Peter

PL/19/3854/FA Ward: Chalfont Common Page No: 62

Proposal: Demolition of existing dwelling and erection of a new dwelling (Amendment to approved consent CH/2017/1788/FA)

Recommendation: Conditional Permission

Bramblings, 43 Denham Lane, Chalfont St Peter, Buckinghamshire, SL9 0EP

Chalfont St Giles

PL/19/4110/FA Ward: Chalfont St Giles Page No: 69

Proposal: Demolition and reconstruction of a new single dwelling house with associated works.

Recommendation: Conditional Permission

Chiltern Cottage, 8 Dibden Hill, Chalfont St Giles, Buckinghamshire, HP8 4RD

Great Missenden

PL/19/4163/FA

Ward: Prestwood And Heath End Page No: 77

Proposal: Redevelopment of site to provide 2 detached dwellings with vehicular access, associated hardstanding, landscaping and car parking.

Recommendation: Conditional Permission

Chestnut House, Broombarn Lane, Great Missenden, Buckinghamshire, HP16 9JD

Report to East Buckinghamshire Area Planning Committee

PL/19/3623/FA

Case Officer:	Lucy Wenzel		
Date Received:	22.10.2019	Decide by Date:	23.03.2020
Parish:	Penn	Ward:	Penn And Coleshill
App Type:	Full Application		
Proposal:	Part two storey/part single storey side extension with rear gable to replace existing rear gable extension, rear dormer roof extension to accommodate habitable space in loft. New front and rear rooflights and changes to windows		
Location:	Merchants Yard Elm Road Penn High Wycombe Buckinghamshire HP10 8LF		
Applicant:	Mr and Mrs Sam and Kate Noble		

SITE CONSTRAINTS

Article 4 Direction
Adjacent to A and B Road
Adjacent to Unclassified Road
Area of Special Control of Advertisements
Adjacent Listed Buildings
Archaeological site
Biodiversity Opportunity Areas
Conservation Area
Within Green Belt other than GB4 GB5
North South Line
A and B Roads
Archaeological Notification Areas
Within 500m of Site of Importance for Nature Conservation NC1
Townscape Character
Established Residential Area of Special Character

CALL IN

Councillor Waters has requested this application is referred to the Planning Committee if the Officers' recommendation is for approval.

SITE LOCATION

This application site is located to the west of Penn to the southern end of Elm Road. The plot currently accommodates a detached dwelling set to the west of the plot with rear garden area extending considerably to the east. To the rear of the plot resides Penn and Tylers Green Football Club, with the Common to the west. The dwelling is set back from Elm Road by a parking area and front garden. Neighbouring dwellings reflect the detached nature and therefore there is a cohesive street scene but with variation in terms of external appearance. Both neighbouring dwellings are listed with a number of further listed buildings sited along Elm

Road. The site is located within the Penn and Tylers Green Conservation Area and also within an Established Residential Area of Special Character (ERASC).

THE APPLICATION

This application seeks permission for the erection of a part two storey/part single storey side extension with rear gable to replace an existing rear gable extension; a rear dormer roof extension, new rooflights and fenestration alterations.

The proposed part two storey extension measures approximately 7.2 metres in depth with a width of 2.5 metres. The roof will be pitched leading into a new rear gable which extends across the proposed new extension and existing rear elevation of the dwelling. The main ridge measures 7.5 metres in height with the eaves measuring 4.8 metres.

The part single storey extension measures approximately 4.3 metres in depth with a width of 3.5 metres. The roof will be flat in construction with an overhang detail and measures 3 metres in height.

The rear dormer measures approximately 5.4 metres in width with a height of 1.8 metres.

The fenestration alterations encompass an alteration to an existing window opening on the principal elevation of the dwelling and 2 front and 1 rear facing rooflight are proposed.

A Design and Access Statement and Heritage Statement have both been submitted with the application.

RELEVANT PLANNING HISTORY

CH/2013/0091/FA - Single storey rear extension and insertion of ground floor window (amendment to planning permission CH/2012/0269/FA). Conditional permission.

CH/2012/0269/FA - Single storey rear extension

PARISH COUNCIL

Received on the 7th November 2019

"Concern - we are concerned about the proximity of the two storey extension to the plot boundary and the impact on Well End."

On the receipt of amended plans, the Parish Council were re-consulted and provided further comments.

Received on the 16th January 2020

"No comment."

REPRESENTATIONS

Nine letters of objection have been received from neighbouring dwellings on the following grounds:

- There is mature hedging along the northern boundary which could be impacted.
- The separation distance to the northern neighbour would be 4 metres.
- The two storey extension would result in significant overshadowing and loss of light.
- The dormer window will be visually intrusive.
- Proposed front rooflights.
- The proposed development is out of scale in relation to the surrounding buildings in the immediate vicinity.
- The proposed works could result in it appearing overbearing.
- The resultant dwelling could harm viewing looking into and out of the Conservation Area.

Subsequent to receiving these comments, amended plans were sought and received. Three further letters were received from neighbouring dwellings and from the Penn and Tylers Green Residents Society

- The existing gap to the neighbouring dwelling would still be markedly reduced.
- There still could be resultant issues to the Conservation Area.
- The sense of an overbearing effect would still remain.
- There remains to be an impact of infilling on the open views from the Common and Conservation Area.
- Loss of privacy.

CONSULTATIONS

Archaeological Officer

Received on the 19th November 2019

"We have checked the Buckinghamshire Historic Environment Record and draw your attention to the designation of a Conservation Area. The nature of the proposed works is such that they are not likely to significantly harm the archaeological significance of the asset(s). We therefore have no objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest."

On the receipt of amended plans, the Archaeological Officer provided further comments.

Received on the 3rd January 2020

"The nature of the proposals remains such that they are unlikely to significantly harm the archaeological significance of any assets. We therefore have no objection to the amended proposals and do not consider it necessary to apply a condition to safeguard archaeological interest."

Listed Buildings and Conservation Officer

Received on the 15th January 2020

"The application is considered perfectly acceptable as there are no objections or detrimental concerns with regards to the Historic Buildings environment/Conservation aspect."

Former Wycombe District Council - consulted as the adjacent authority prior to 1st April 2020, and their comments were received prior to this date

"No objections."

POLICIES

National Planning Policy Framework (NPPF), February 2019

Core Strategy for Chiltern District - Adopted November 2011: Policies CS1, CS4 and CS20.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001)

Consolidated September 2007 and November 2011. Saved Policies: GC1, GC3, H11, H13, H14, H15, H16, CA1, CA2, TR11 and TR16.

Draft Chiltern and South Bucks Local Plan 2036

EVALUATION

Principle of development

1. The site is located within the built-up area of Penn wherein extensions and alterations to existing buildings are acceptable in principle. However, the site is also set within an Established Residential Area of Special Character (ERASC) where dwelling width, spacing and external appearance should be in accordance with the prevailing character of the area and be compatible. Furthermore the site is located within the Penn and Tylers Green Conservation Area where in accordance with Policy CA1, proposed extensions and alterations to existing dwellings should preserve or enhance the character or appearance of the Conservation Area with regard to siting, established pattern of development, density, scale, bulk, height, design and external appearance.

Design/character and appearance

2. The proposal consists of a part two storey, part single storey side extension and a rear dormer window. The proposed two storey side and rear extension will extend from the northern flank of the dwelling and at ground floor level extends close to the full depth of the existing dwelling but with the depth reducing at first floor level. An appropriate roof form of a pitch (which leads into a new rear gable) is proposed to extend over the two storey element to ensure visual integration with the original dwelling. The single storey element would have a flat roof with overhang detail which mirrors the existing single storey rear projection. The ridge of the two storey pitched roof sits below the main ridge of the dwelling, ensuring that the extension is subservient, providing a clear distinction between old and new. This subordinate ridge additionally mirrors the southern flank projection. The replication of the flat roof to the rear also helps it integrate with the existing dwelling. Although extensions are located on the flank elevation of the dwelling, spacing is maintained to this boundary line and in part the proposed side extension replaces an existing single storey side extension. The extensions are considered to be appropriate in their scale having regard to their relationship with the existing dwelling. In addition, the plot is of an appropriate scale to be able to accommodate an enlarged dwelling and the proposed development would not result in a cramped or contrived relationship. The Conservation Officer comments that the proposal is acceptable in terms of its impact on the wider character and appearance of the Conservation Area. Furthermore, materials to match those existing are proposed to be used, which would also respect the visual amenities of the surrounding Conservation Area and ERASC.

3. The proposals also include the erection of a dormer window positioned on the rear roof slope of the dwelling. The dormer will sit marginally below the main ridge of the dwelling and is considered to be appropriate in scale and not visually dominating. The design of the dormer is proposed to have a flat roof with glazing covering the extent of the fascia. Given that rear dormers are not an uncommon feature and given its rear siting, no detrimental impact would arise on the character and appearance of the area.

4. The fenestration changes include the alteration to existing window openings on the principal elevation of the dwelling. The proposed rooflights would be discreet and would not adversely affect the appearance of this dwelling. These alterations are minimal in respect of the external appearance of the building.

5. Having regard to the above assessment, the proposed development is considered to be acceptable. The plot is of an appropriate scale to accommodate a dwelling of increased size, with spacing maintained to all boundary lines. Furthermore, the proposed alterations to the fenestration and scale are not considered to have any detrimental harm to the overall character and appearance of the original dwelling or surrounding locality. Appropriate materials are to be used to ensure visual cohesion to the street scene along Penn Road and therefore there would be no harm arising to the Conservation Area and ERASC. In addition, the favourable comments from the Listed Buildings and Conservation Officer are noted and in accordance with those comments, these proposals are considered to be acceptable having regard to Policies GC1, H11, H13, H15, H16, CA1 and CA2.

Residential amenity

6. Comments have been made by third parties in relation to the resultant dwelling appearing overbearing and visually intrusive. These comments are noted but although occupiers of the adjacent dwelling would be aware of the proposed extensions at ground, 1st floor and roof level, notably the rearward extensions at 1st floor and roof level, a sufficient degree of separation would remain. The ridge height of the proposed side extension sits subordinately to the main ridge of the dwelling which minimises any resultant overbearing appearance. The two storey extension reduces in depth from ground to first floor and the proposed two storey depth reflects the depth of the adjacent dwelling to the north. Furthermore, flank windows are only proposed at ground floor level and these are high level windows which would not reduce privacy or cause concern related to visual intrusion.

7. Further to the above, objections have been received in relation to the proposed rear dormer window. Whilst the rearwards siting of the dormer is noted, given that the rear elevation already has windows sited in it, it is not considered that its central positioning would materially affect the present level of amenity enjoyed by neighbouring dwellings, in relation to any increased level of overlooking above that which already exists.

8. Therefore, having regard to the above assessment, it is not considered that the proposed development would result in any substantive reduction in amenity levels for neighbouring dwellings. As such, the proposed development is considered to be acceptable having regard to Policies GC3, H13 and H14.

Parking/highways implications

9. In relation to parking, the existing dwelling is already above 120 sqm in floor area, therefore no additional parking is required, having regard to the Council's standards. Therefore, having regard to Policies TR11 and TR16, no concerns are raised.

Community Infrastructure Levy (CIL)

10. Having regards to CIL, given the scale of the proposed extensions the proposed scheme is not CIL liable.

Working with the applicant

11. In accordance with Section 4 of the National Planning Policy Framework, the Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, amended plans were submitted and these were considered acceptable.

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

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

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.C108A General Time Limit

2 The materials to be used in the external construction of the development hereby permitted shall match the size, colour and texture of those of the existing building.

Reason: To ensure that the external appearance of the enlarged building is not detrimental to the character of the locality.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in any of the elevations of the extensions hereby permitted.

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

4 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no part of the roof of the extension hereby permitted shall be used as a balcony or roof terrace, nor shall any access be formed thereto.

Reason: To safeguard the amenities of the occupiers of the adjoining properties.

5 AP01 Approved Plans

INFORMATIVES

1 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 732792 for more information.

PL/19/3820/FA

Case Officer: Lucy Wenzel

Date Received: 06.11.2019

Parish: Latimer & Ley Hill

Decide by Date: 29.05.2020

Ward: Ashley Green Latimer And
Chenies

App Type: Full Application

Proposal: Erection of detached dwelling

Location: Land To Rear Of Elmcroft
The Green
Ley Hill
Buckinghamshire
HP5 3QR

Applicant: Mr and Mrs Matt and Sally Gardner

SITE CONSTRAINTS

Article 4 Direction

Area Special Adv. Control

Adjacent to Archaeological Notification Site

Archaeological site

Adjacent Public Footpaths and Public Rights Of Way

Bovingdon Technical Radar Zone

Within Green Belt other than GB4 GB5

North South Line

Archeological Notification Areas

Within 500m of Site of Importance for Nature Conservation NC1

On/within 250m rubbish tip

Adjoining Common Land

Common Land

GB settlement GB5,6,12,23,H7,13,19

Adjoining Public Amenity Open Space

Public Amenity Open Space

COMMITTEE CALL IN

Councillor Garth has requested that this application is referred to the Planning Committee, regardless of the recommendation made by the Officers.

SITE LOCATION

The application site is located down a private access road leading off The Green and Ley Hill Road to the north west of Ley Hill. The plot currently accommodates Elmcroft, a detached dwelling with the proposal set to sub-divide this plot to facilitate the erection of a new dwelling. Surrounding the site to the north are large detached dwellings set within substantial plots, with small residential estates to the south. The plot is located within a Green Belt Settlement (GB5).

THE APPLICATION

The application seeks permission for the erection of a detached dwelling. It is identical in all respects to a recently refused planning application, reference PL/19/2593/FA. This was refused permission on 11th October 2019 and there have been no changes to the relevant policies or site circumstances since that refusal.

The proposed plot runs north to south with the dwelling sited at the far southern end and amenity space extending to the north. The dwelling has a L shaped form with a maximum width of 17.5 metres reducing to

10 metres. In terms of its depth this varies from 11.8 metres in maximum depth to 7 metres. The dwelling has a main hip roof with front projecting gabled element with the ridge heights measuring 8.7 metres and 9 metres retrospectively with eaves measuring 5.4 metres.

A Design and Access Statement has been submitted with the application.

RELEVANT PLANNING HISTORY

PL/19/2593/FA - Subdivision of plot and erection of dwelling. Refused permission for the following three reasons:

1. *"The application site is located within the Green Belt wherein there is a general presumption against inappropriate development, which includes most new residential development. As an exception limited infilling is acceptable within an existing row of dwellings or settlement, subject to the criteria contained in Policies GB4 and GB5 of the Adopted Local Plan. In this case, the proposal does not comprise acceptable infilling. The proposed dwelling is not located in an existing row of dwellings, but rather is located behind one of the buildings in the frontage to the road. As such it comprises backland development without a frontage to the road and would erode the open and rural character of the Green Belt. The proposal conflicts with Policies GB2 and GB5 of the Chiltern Local Plan 1997 (including alterations 1 September 2011) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework (2019)."*
2. *"The application site is located to the rear of The Green directly to the rear of two dwellings; Elmcroft and Shenley Cottage. The Green is characterised by dwellings that have a direct frontage to The Green creating a linear and uniform pattern of development. In contrast, the proposed dwelling would not a direct frontage onto The Green and would appear as an odd and untypical feature, by reason of its siting. The dwelling would have a poor relationship with other buildings in the vicinity, as it would be out of character with the surrounding urban grain and building layout. It is also noted that Policy DP8 of the Draft Local Plan 2036 does not allow for such tandem development. The siting of the dwelling behind the rear of those dwellings fronting The Green creates an unsatisfactory form of development which appears at odds with the existing pattern of development and would therefore fail to comply with Policy GC1 of The Chiltern Local Plan 1997 (including alterations 1 September 2011) Consolidated September 2007 and November 2011, Policy CS20 of the Core Strategy for Chiltern District - Adopted November 2011, and the provisions of the National Planning Policy Framework (2019) as well as conflicting with Policy DP8 of the Draft Chiltern Local Plan 2036."*
3. *"By reason of its siting, height, width and overall scale, the proposed dwelling would appear overbearing and visually intrusive when viewed from the rear elevation windows and rear amenity space serving the neighbouring properties at No. 5 and 6 Hollytree Close and Shenley Cottage. The proposal is therefore contrary to Policy GC3 of The Chiltern Local Plan 1997 (including alterations 1 September 2011) Consolidated September 2007 and November 2011."*

PARISH COUNCIL

Received on the 23rd December 2019.

"Latimer and Ley Hill Parish Council has considered this second planning application for Elmcroft and wish to object based on the previous grounds:

1. Interference with adjacent property
2. Loss of privacy
3. Overshadowing/bearing
4. Intrusion into countryside

The scheme does not appear to accord with either the Council's planning policies or those within the NPPF.

This proposal is not limited infilling as defined in the Council's policy GB4 and 5 as the proposed site does not sit within in a small gap in an existing row of dwellings and other substantial buildings, which form an

otherwise full developed frontage to a road. This is clearly a scheme of backland development which is out of keeping with the pattern of development in the surrounding area. Here all the current dwellings have a road frontage. This does not.

The proposal reduces the plot of the existing house at Elmcroft so that it is no longer is of a shape and size comparable with others immediately adjacent on the road and thus fails to preserve the character of the area.

The appearance of the proposed property is not comparable to others in The Green which are all traditional houses with a front and rear garden. The proposed property has been shoe horned in to the rear corner of the site and therefore produces a one sided house with almost blank elevations presented to the surrounding houses.

The proposed new large dwelling by virtue of its location is immediately adjacent to the boundary of the open Green Belt and as such would introduce a significant mass of built form on to the sensitive edge of the Green belt. As such it would increase the perception of buildings when viewed from the Green Belt and by implication reduce the openness of the Green Belt.

The proposed property is extremely close to the boundary with Shenley Cottage and will introduce a significant bulk when viewed from both this property and the houses in Holly Tree Close which will affect both their view and privacy.

The National Planning Policy Framework states that planning policies and decisions should support development that makes efficient use of land, taking into account:

- The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- The desirability of maintain an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- The importance of securing well-designed, attractive and healthy places.

As highlighted above, this scheme; principally due to its scale and form, fails to achieve any of these points.

Ley Hill is in need of a mixture of houses. The Parish Council wish to maintain the character of the village which includes the residential gardens and Green Belt. A more modest, single storey scheme could overcome some of these concerns. Infilling at backs of properties, particularly if this sets a precedent, will change the character and attractiveness of the village for the worse and we ask that you refuse this application."

REPRESENTATIONS

Two letters of objection have been received which are summarised below:

- The location of the proposed new dwelling is out of keeping with neighbouring dwellings.
- There would be a significant reduction in the privacy serving Shenley Cottage and would impact upon residential amenities.
- The dwelling would create an unacceptable sense of being enclosed; making the proposal extremely overbearing and visually intrusive.
- Local distinctiveness will be significantly affected; insomuch as the dwelling does not follow prevailing plot sizes, building lines, scale and boundary treatments.
- The dwelling sits close to properties located at the end of Holly Tree Close which will create detrimental concerns.
- There is concern over the loss of existing trees; both in terms of a loss of privacy but also for a loss of wildlife habitat.
- Overshadowing could be an issue created by the erection of a dwelling in this location.
- Although no windows look directly at Shenley Cottage, all rear elevation windows at Shenley Cottage will have the new development in their outlook.

CONSULTATIONS

Highways Authority

Received on the 23rd December 2019:

"The Green is an unclassified road subject to a 30mph speed restriction in the vicinity of the site. The road does not have parking or waiting restrictions.

The application proposes the subdivision of the plot and the erection of a new dwelling using an existing access. When considering trip generation, I would expect a dwelling in this location to generate in the region of 4-6 vehicular movements (two-way) per day. As this is the case, the access arrangements serving the site will need to be assessed in order to determine its suitability to accommodate the vehicular movements anticipated.

In accordance with guidance contained within Manual for Streets, visibility splays of 2.4m x 43m are required in both directions commensurate with a speed limit of 30mph.

As the proposed visibility splays fall within Common Land, the applicant will need to apply to The Secretary of State for Environment, Food and Rural Affairs for a S38 licence under the Commons Act to ensure that these splays are maintained.

The application proposes 3 parking spaces. The parking standards specify that each parking space should be a minimum of 2.4m x 4.8m wide. Whilst I trust that the Local Planning Authority will consider the level of parking proposed, I can confirm that these spaces are of adequate dimensions and would allow for vehicles to park, turn and leave the site in a forward gear.

Mindful of the above, the Highway Authority raises no objections to this application subject to conditions."

Waste Team

Received on the 23rd December 2019:

"Waste services note the proposal for a detached dwelling. We have no objections, resident to present their waste and recycling containers at the property boundary adjacent to The Green on collection day only. All collections to take place in accordance with Council Policies."

Building Control

Received on the 16th December 2019:

"Although the access has a 'pinch point', I believe that it is not too narrow to accommodate a Fire Service vehicle; I have no objections to these proposals."

Strategic Access Officer (in relation to the Rights of Way network)

Received on 18th December 2019:

"A small length of the property's southern boundary abuts Footpath LAT/17/3, but this remains unaffected by new fencing. The new access is proposed to share the existing access to Elmcroft off the vehicular highway. This passes across Leyhill common, but there are no proposals to surface this area.

In light of the above, I have no objection."

POLICIES

National Planning Policy Framework (NPPF), February 2019

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

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001), Consolidated September 2007 & November 2011: Saved Policies GC1, GC3, GC4, GB2, GB5, H11, H12, TR2, TR11 and TR16

EVALUATION

1. Firstly, it should be noted that this application is identical in all respects to a previous application which was refused on 11th October 2019. No attempt has been made to overcome any of the reasons for refusal. The Council does have powers to decline to determine repeat or vexatious applications, but these only apply after two similar refusals, or an appeal which has been dismissed. The assessment below follows the approach of the previous application, given they are both identical. Since the submission of this application, local and national planning policies and guidance have not changed and therefore it would be unreasonable and inconsistent to reach a different conclusion.

Principle of development in the Green Belt

2. The site is located within a Green Belt Settlement as defined in Local Plan Policy GB5. This Policy states that the Council will accept limited residential development in the following circumstances:

a) *Limited "infilling" where the definition is 'the construction of one or two dwelling(s) in a small gap in an existing row of dwellings which forms an otherwise fully developed frontage to a road and where the width of the development is closely similar to the surrounding sites and the curtilage is of a comparable size and shape and the siting, scale and appearance is compatible with the existing locality.'*

Officer assessment:

The application clearly does **not** propose a new dwelling in a small gap fronting a road, between other dwellings. Therefore it is not infilling as set out in this part of Policy GB5.

Policy GB5 continues:

Or

b) *Where the development site consists of a small parcel of land in existing authorised or established residential use which is totally or substantially enclosed by existing residential development, including dwellings and not just their curtilages. A small parcel of land will be regarded as no more than 0.5 hectares.*

Officer assessment:

The site is within residential use but is clearly **not** "totally or substantially enclosed by existing residential development", as this part of the Policy expressly states this must include dwellings and not just their curtilages. The purpose of this is to ensure infilling in this respect is surrounded by other buildings. The site is bordered by a dwelling to the south, there are (loosely) dwellings located to the east, but no buildings to the north or west. To these sides, an open garden area is located to the north and an open field is located to the west. Therefore it is not bordered by dwellings on at least two sides. It is certainly not infilling under this part of Policy GB5, or having regard to any applicable appeal decisions.

Additionally, the curtilage for each dwelling should be of a size and shape comparable to existing surrounding development and the siting, scale and appearance of each new dwelling should be compatible with the existing character of the settlement around the development.

In conclusion to the above, it is plainly clear that the proposal does not comprise limited infilling, as it does not comply with any of the definitions or categories set out in the Local Plan. It is noted the Parish Council also recommend refusal and comment that it is not infilling. National guidance in the NPPF is more recent and again this states that limited infilling can be an exception to inappropriate development in the Green Belt. However, even using the same definitions of infilling as set out in the Local Plan, it is clear that this scheme is an undesirable backland development and is not infilling.

The proposal is therefore inappropriate development, which, by definition, is seriously harmful to the Green Belt. The NPPF directs LPAs to regard this as significant harm to the Green Belt. In addition to the inappropriateness, there would also clearly be harm to the openness of the Green Belt arising from the erection of a large new dwelling on an open parcel of land. As such the proposal is entirely contrary to Policies GB2, GB5 and the NPPF.

Design/character & appearance

3. Core Strategy Policy CS20 states that the Council will require that new development within the District is of a high standard of design which reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness. It is noted that the Parish Council objects strongly on several grounds, one of which is the impact on the character of the settlement.

4. The proposal again seeks permission for the erection of a large detached dwelling within a plot of land which sits to the rear of Elmcroft and Shenley Cottage. The site will be accessed off The Green and down a small access track. The site currently accommodates a detached chalet bungalow with an L-shaped rear garden which runs behind the adjacent neighbouring dwelling, Shenley Cottage. To the south there are dwellings and the residential development to the north extends along the road in a linear form. The proposed location of the dwelling would not follow the set building line to which the row of dwellings facing The Green aligns to. It would sit to the rear of this rigid and uniform development creating an odd and contrived visual relationship to surrounding buildings, as it would be the only building behind others in this row. In line with stipulations set out in Policy GB5, development must be compatible with the existing character around the site. The development would predominantly be viewed within the context of The Green given that this is where the access point leads from. Having regard to this, the set back from the street scene separates the proposed development from The Green in a negative manner as it would not be viewed cohesively but as an isolated backland development which results in a visually poor relationship forming which does not follow the stipulations of infilling. Furthermore, the set back from the road frontage creates a backland development site which is not characteristic of The Green or the wider surrounding locality, as it would be aligned at right angles to the linear pattern of plots along The Green. In addition, The Green is characterised by dwellings of varied form, scale and appearance but there is a general cohesiveness in terms of their siting, all being of a strong linear form fronting the road. The proposed dwelling would be entirely at odds with this arrangement, creating an isolated backland development, and not respecting the character of the settlement in any way.

5. Whilst the Draft Chiltern and South Bucks Local Plan has not been adopted it forms a material consideration in assessing applications and carries some limited weight. In his representations to call this application to Planning Committee, Councillor Garth notes several of these new policies. Many of these have received a high number of objections (e.g. those relating to removing Ley Hill from the Green Belt), therefore they carry virtually no weight at this stage. However, Policy DP8 is also referred to and has received fewer objections and hence has slightly more weight. This relates to backland development and states that it must respond well to the character of the area and respect the privacy and amenity of existing and new residents and should not result in tandem development. It further states that development should not take place in a piecemeal way. In relation to this policy and also Policy GB5, the siting of the dwelling behind the rear of those dwellings fronting The Green creates an unsatisfactory form of development which appears at odds with the existing pattern of development and would as such visually appear as tandem development. It would certainly be a piecemeal development and exactly the type of development that Policy DP8 would seek to prevent. This Policy does not have full weight at this stage, but it adds some limited harm to the strong harm already identified above, in relation to the Green Belt and the character of the area.

6. In terms of the scale and detailed appearance of the proposed dwelling, it would be a large fairly bland building, measuring around 17.5m by 12m in footprint and with a maximum ridge height of 9.0m. It would form a substantial mass on this open plot and would be one of the biggest buildings in the vicinity. Whilst the appearance of individual houses around the site does vary, so no specific objections are raised to

its design, the size of the building would emphasise its inappropriate backland position in relation to other buildings.

Residential amenity

7. In terms of the impact of the new dwelling on the amenities of neighbouring properties, the positioning of the new dwelling would be such that it is sited to the rear of a number of neighbouring dwellings fronting both The Green and Holly Tree Close (to the south). The previous (identical) application was refused due to the impact on the neighbouring properties at Nos. 5 and 6 Hollytree Close (to the south) and Shenley Cottage (to the east). It is noted that the Parish Council also raise objections on these grounds. Taking these in turn:

Impact on Nos. 5 and 6 Hollytree Close

As noted, the new dwelling would be a substantial mass of built form, being 17.5m in width and with a ridge height of 9.0m. It would be sited only around 1 metre from the rear boundary at its nearest point, due to the staggered relationship, although this point forms the boundary with the War Memorial Hall. The new dwelling would only be located 7m from the rear boundary with the public footpath, beyond which is the rear garden of No. 5 Hollytree Close. It would be located a mere 18 metres from the rear elevation of No. 5. Given its substantial width and height, it would form an imposing mass of built form when viewed from the properties in Hollytree Close, which have short rear gardens themselves. The relationship with these properties is poor and the new dwelling would have a significantly detrimental visual impact, appearing overbearing and visually intrusive. The agent has submitted a diagram showing a 25 degree line drawn from the horizontal, in an attempt to justify this relationship. However, this only relates to loss of light and, given the new dwelling would be to the north, there would be no loss of light. The 25 degree test has nothing to do with visual impact. He also draws reference to the trees along the intervening boundary, but these are not protected and could be removed at any point. The relationship therefore has to be assessed without the trees. The new dwelling would dominate the outlook from the properties to the south and given its size and very close proximity, it would appear overbearing and intrusive. This would harm the amenities of the neighbouring occupiers to a significant degree.

Impact on Shenley Cottage

The previous application was also refused due to the impact on the amenities of Shenley Cottage to the east. The impact here is not as severe as the impact on No. 5 and 6 Hollytree Close, but nonetheless, it would still be located fairly close to this boundary and neighbouring property, and would appear visually intrusive.

Therefore having regard for the above, the proposal is severely detrimental to neighbouring amenities and as such does not comply with Policy GC3 of the Chiltern Local Plan.

8. With regards to the proposed amenity space associated with the new dwelling, Policy H12 states that garden depths should generally be 15m in depth, or reflect the surrounding dwellings should those surrounding garden depths be substantially different. Having regard to this, the proposed rear garden depth is very small. However, adequate space around the dwelling (to the front) could be provided to cater for the amenity needs of future occupiers. No specific objections are raised in relation to Policy H12.

Parking/Highway implications

9. The plot will be accessed off The Green via a narrow access track leading between Elmcroft and Shenley Cottage. The Highway Authority has stated that adequate visibility splays can be achieved and therefore there are no concerns raised in relation to highway safety. With regards to parking on site, there are three parking spaces proposed which are of adequate and appropriate size and meet the required parking standard. Neighbouring occupiers have raised comment regarding the introduction of a new access but given that there will be only be approximately 4-6 vehicular movements generated it is not considered that these will give rise to traffic or noise increases over and above what is already experienced by residents in the locality. Therefore, there are no concerns raised having regard to Policies TR2 and TR16.

Working with the applicant

10. In accordance with Section 4 of the National Planning Policy Framework, the Council works in a positive and proactive way with Applicants and Agents and is focused on seeking solutions to any issues arising from a development proposal.

The Council works with applicants/agents in a positive and proactive manner by:

- Offering a pre-application advice service,
- Updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, the proposal did not accord with the Development Plan and indeed follows an identical scheme which was refused for several reasons. The Agent was fully aware of the issues and was kept updated during the course of this application. No attempt was made to overcome the reasons. A slight attempt was made to reduce the scale of the dwelling to try and overcome the refusal relating to the impact on the amenity of neighbours, but when the case officer stated this reduction was not sufficient, the Agent was not willing to make any further changes and did not wish those changes to be formally considered. As the proposal is fundamentally unacceptable, no changes during the course of the application would have reasonably overcome the issues, so the application was recommended for refusal on the basis of the submitted plans.

Human Rights

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

RECOMMENDATION: Refuse permission

For the following reasons:-

1 The application site is located within the Green Belt wherein there is a general presumption against inappropriate development, which includes most new residential development. As an exception, limited infilling is acceptable within an existing row of dwellings or settlement, subject to the criteria contained in Policies GB4 and GB5 of the Adopted Local Plan. In this case, the proposal does not comprise acceptable infilling. The proposed dwelling is not located in an existing row of dwellings, but rather is located behind one of the buildings in the frontage to the road. Furthermore, it does not comprise a parcel of land surrounded by other residential development. As such it comprises backland development without a frontage to the road and would erode the open and rural character of the Green Belt. It is inappropriate development, which is seriously harmful to the Green Belt, by definition. The erection of a large building on this open site would also harm the openness of the Green Belt. There are no very special circumstances sufficient to outweigh this harm. The proposal therefore conflicts with Policies GB2 and GB5 of the Chiltern Local Plan 1997 (including alterations 1 September 2011) Consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework (2019).

2 The application site is located to the rear of The Green directly to the rear of two dwellings: Elmcroft and Shenley Cottage. The Green is characterised by a row of dwellings that have a direct frontage to The Green, creating a linear and uniform pattern of development. In stark contrast, the proposed dwelling would not have a direct frontage onto The Green and would appear as an isolated, odd and untypical feature, by reason of its siting. The dwelling would have a poor relationship with other buildings in the vicinity, as it would be out of character with the surrounding urban grain and building layout. It is also noted that Policy DP8 of the Draft Local Plan 2036 does not allow for unsatisfactory tandem development. The siting of the dwelling behind the rear of those dwellings fronting The Green creates an unsatisfactory form of development which appears at odds with the existing pattern of development and would therefore fail to comply with Policy GC1 of The Chiltern Local Plan 1997 (including alterations 1 September 2011) Consolidated September 2007 and November 2011, Policy CS20 of the Core Strategy for Chiltern District - Adopted November 2011, and the

provisions of the National Planning Policy Framework (2019) as well as conflicting with Policy DP8 of the Draft Chiltern Local Plan 2036.

3 By reason of its siting, height, width and overall scale, the proposed dwelling would appear overbearing and visually intrusive when viewed from the rear elevation windows and rear amenity space serving the neighbouring properties at Nos. 5 and 6 Hollytree Close and Shenley Cottage. This would be significantly harmful to the amenities of these neighbouring properties, contrary to Policy GC3 of The Chiltern Local Plan 1997 (including alterations 1 September 2011) Consolidated September 2007 and November 2011.

INFORMATIVES

1 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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PL/19/3828/FA

Case Officer:	Melanie Beech	Decide by Date:	29.05.2020
Date Received:	07.11.2019	Ward:	Holmer Green
Parish:	Little Missenden		
App Type:	Full Application		
Proposal:	Erection of two detached dwellings with integral garages and creation of revised vehicular access		
Location:	Beechwood Park 70 Beech Tree Road and Land to the rear of 72-76 Beech Tree Road Holmer Green Buckinghamshire HP15 6UT		
Applicant:	Mr A Langley		

SITE CONSTRAINTS

Article 4 Direction
Adjacent to C Road
Adjacent to Unclassified Road
North South Line
Within 500m of Site of Importance for Nature Conservation NC1
Townscape Character

CALL IN

Councillor Martin has requested that this application is referred to the Planning Committee if the Officers' recommendation is for approval.

SITE LOCATION

The application site is located on the northern side of Beech Tree Road within Holmer Green. It currently consists of an existing bungalow (70 Beech Tree Road) and its associated long rear garden. The application site extends to the west onto land situated to the rear of nos. 72-76 Beech Tree Road.

The site is not within any designated areas but is adjacent to the Green Belt and Area of Outstanding Natural Beauty (AONB).

THE APPLICATION

The application seeks planning permission to demolish the existing bungalow at no. 70 Beech Tree Road and erect two detached dwellings on land to the rear.

The proposed dwelling on plot 1 is a two storey dwelling with a maximum width of 10m, maximum depth of 15.7m and height of 7.5m. It has an eaves height of 4.1m at the front with the base of the first floor dormer windows sitting below the eaves. The eaves height on the rear elevation is 3.6m with first floor dormer windows sitting above the eaves.

The proposed dwelling on plot 2 has a maximum width of 17m, maximum depth of 9.8m and ridge height of 7.3m. It has an eaves height of 3.1m and includes pitched roof dormer windows in the front and rear elevations.

Each dwelling includes four bedrooms on the first floor. They both have an integral garage and two car parking spaces in front of the garage. Each dwelling also has a private rear garden and space for bin storage.

The proposed development also includes widening the existing access onto Beech Tree Road and creating a new access drive to the new dwellings.

RELEVANT PLANNING HISTORY

There is no relevant planning history for the site.

PARISH COUNCIL

Objects to the application on the following grounds:

- Property will back onto fields which are classed as AONB.
- The new properties will be visible from the Ancient Heritage woodland less than 500m away.
- The two new properties will be overbearing on the existing single-story bungalows in front.
- The new properties will be seen from the road which will affect the street scene, especially from the road opposite (Glebe Close).
- Siting of a new access road differs from any other property on the street, this will also be opposite Glebe Close and thus making a crossroads affect.
- Will affect the existing natural line of the properties from the front view and rear views, at the moment you have a straight line of properties, all with the same size gardens which back onto Langley Farm, by adding two properties in the back gardens (where there are none) you will break this natural line, thus the new properties will stand out, this will also affect the scene from the AONB and the street view.
- The scale of the new properties will be out keeping with the existing properties on that road.
- We are concerned that if this was allowed it would then set a precedence and the road will quickly become over developed, a blot on the land scape.

Consider the proposal is contrary to Local Plan policies GC1, GC2, GC3 and LSQ1.

The Parish Council also wish to point out the following:

- The developer only owns No.70 Beech Tree Road, which is the small bungalow with a straight narrow plot, shown on the "Photo Sheet" he does not own any other land or has had access to survey any other areas of the development.
- It is made to believe on the AA Environment Ltd Bat and garden report has assessed over the whole development, this was not the case and was only carried out on the bungalow and garden of No.70
- No. 72 which owns a very large L shape garden which the developer is trying to purchase, has stated he will not sell under any circumstances and states he has not allowed access at any time to the property
- No.72 has also stated that bats regularly feed on his land and he also believes they may roost there as well, he also has a large natural pond in his grounds, the pond was there when he moved in over 25 years ago and can be seen on many very old OS maps of the area
- He believes it could be as old as the village pond dating back to 1854, he also states he has seen Newts in the pond but is unsure of what breed they are.

The development is different to 59-61 Watchet Lane and Mead Park. Other applications for development in rear gardens of Beech Tree Road have been refused.

REPRESENTATIONS

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

- Siting and design of dwellings are out of keeping with character of the road
- Visual intrusion on the AONB
- Impact on public footpath
- Loss of privacy for neighbouring properties
- Loss of views
- Overbearing impact on neighbours
- Light pollution from possible security lights, car headlights and street lighting

- Bonfires in neighbouring garden would disturb new residents, causing conflict
- Disturbance from additional vehicles
- Negative impact on wildlife
- Inadequate ecology surveys and adverse impact on wildlife, especially great crested newts
- No tree surveys have been done
- Additional traffic on an already busy road near to a school
- Additional on-street parking leading to accidents
- New access is built close to Glebe Close entrance
- Inadequate access for emergency vehicles and refuse collection
- Increased hard surfacing would increase surface water
- Inadequate foul drainage
- Piecemeal development which will set a precedent for future development along Beech Tree Road
- This area is different to Watchet Lane or Mead Park, and nos. 74 and 76 were originally built with their existing small gardens
- Previous applications for similar developments have been refused (in particular CH/2011/1161/FA and CH/2010/1902/FA)
- Owner of 70 Beech Tree Road does not own land to rear of 72 - 76. The owner of that land will never give access or permission to build on this land. Applying for planning permission on this land seems strange and intimidating. Already erected high fence along boundary.
- Pressure on other properties to sell their back gardens is not welcome
- Development is contrary to National guidance, Adopted Local Plan, and new Local Plan
- Inaccuracies on plans and in Design & Access Statement
- Little diversity of houses being built in Holmer Green and lack of small houses and bungalows
- Devalue existing properties
- No GP surgeries
- If approved, please remove Permitted Development, ensure ridge heights are no higher than bungalows to the front, ensure both properties are built at the same time and restrict hours of operation during construction.

CONSULTATIONS

Highway Authority

No objection subject to conditions.

Waste services

No objection

Tree Officer

No objection

Ecology

No objection subject to condition.

POLICIES

National Planning Policy Framework (NPPF), February 2019.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS1, CS2, CS4, CS8, CS20, CS24, CS25, CS26.

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

Draft Chiltern and South Bucks Local Plan 2036.

EVALUATION

Principle of Development

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

Design/character & appearance

2. This part of Beech Tree Road is characterised by a mix of dwellings situated towards the front of long, narrow plots, with the exception of nos. 74 and 76 Beech Tree Road which have shorter plots, and no. 72 Beech Tree Road which has a large 'L' shaped plot.

3. It is noted that applications for detached dwellings to the rear of nos. 78 and 80 Beech Tree Road were refused in September 2011 and March 2011 (CH/2011/1161/FA and CH/2010/1902/FA respectively). However, since that time, the Core Strategy has been adopted which states in Policy CS2 that the Council will facilitate the delivery of an additional 2,650 - 2,900 dwellings within the district and these will be focused in built up areas outside the Green Belt such as Holmer Green.

4. Furthermore, since these refusals were issued, the National Planning Policy Framework (NPPF) has been published (originally in March 2012 and updated in February 2019). Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 122 goes on to say that planning decisions should support development that makes efficient use of land, taking into account the availability of land suitable for accommodating housing, and the desirability of maintaining an area's prevailing character and setting (including residential gardens).

5. The Chiltern area is heavily constrained by the Green Belt and Area of Outstanding Natural Beauty (AONB) and therefore, it is necessary to make effective and efficient use of land outside these designated areas, whilst ensuring that the area's prevailing character and setting is maintained.

6. The proposed development would introduce two new dwellings to the rear of the existing row of dwellings. Given the guidance in the Core Strategy and the NPPF, the Council is seeking to approve development unless it causes material harm. In this regard, the proposed dwellings have been designed to be in keeping with the character of the area in terms of their relatively low ridge and eaves height. They are set well back from the road and therefore would not be prominent when viewed from the street. Furthermore, the plots do not encroach any further into the countryside than the development at Mead Park (to the east of the application site) or the boundary of the rear gardens of the existing dwellings along this part of Beech Tree Road.

7. As such, the proposed development is not considered to harm the character of the area and therefore complies with Policies GC1 and H3 of the Adopted Local Plan.

Residential amenity

8. Local Plan Policy GC3 refers to the protection of amenities throughout the district. It states that the Council will seek to achieve good standards of amenity for the future occupiers of that development and to

protect the amenities enjoyed by the occupants of existing, adjoining and neighbouring properties. Where amenities are impaired to a significant degree, planning permission will be refused.

9. In this case, there is sufficient distance to the existing properties along Beech Tree Road so as not to cause a loss of privacy or loss of light to these dwellings (at least 24m and in most cases significantly more). Although it is acknowledged that the view from these properties will be altered, this is not a planning consideration that can be taken into account. In order to protect direct overlooking of neighbouring gardens, a condition is recommended to restrict any first floor windows in the side elevations of the dwellings.

10. With regard to potential disturbance from the development in relation to traffic noise and light pollution, the scale of development is not considered to be so vast that it would cause significant harm to amenity in this regard. In addition, disturbance during construction is not a planning consideration, but the developers are advised to register with the Considerate Contractors Scheme to minimise disruption to local residents.

11. The comments from neighbours requesting Permitted Development rights to be removed, and for a condition to be imposed to ensure that the two houses are built simultaneously are noted. However, these conditions would not meet the tests set out in the National Planning Practice Guidance and are therefore not included in the recommendation.

12. With regard to the amenities of the future occupiers of the development, there is sufficient light, outlook and garden space for the amount of accommodation proposed. Each property also has adequate space for bin storage. The Council's waste team have confirmed that collection vehicles will not enter the long drive and therefore collections will take place from the roadside in accordance with the Council's policies. Although this would mean that residents would have to carry their waste in excess of 30m, this is no different to other development allowed across the district, and which has been supported by appeal inspectors.

Parking/Highway implications

13. In accordance with Policy TR16 of the Local Plan, the Council's parking standard is three spaces for dwellings with a gross floor area in excess of 120sqm. These have been provided and therefore no objections are raised in this regard. The Highway Authority has also confirmed that there is sufficient space within the site for vehicles to park, manoeuvre and egress in a forward gear.

14. The Highway Authority has also confirmed that the additional vehicular movements associated with the development can be accommodated onto the highway network, and that the widened access onto Beech Tree Road is acceptable.

Ecology

15. Policy CS24 of the Core Strategy states that the Council will aim to conserve and enhance biodiversity. In this respect it states that development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion, of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. Where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest. This is consistent with the NPPF which aims to conserve and enhance biodiversity.

16. In this regard, a report was submitted with the application which concluded that the site is of overall low ecological value. In consultation with the Ecology Officer, the Council was not satisfied that the information submitted was adequate to demonstrate that the development would not affect any protected species, especially as the entire site could not be accessed. Particular concern was raised with regard to Great Crested Newts, given the presence of a pond within part of the site which could not be accessed.

17. In response to these concerns, the applicant submitted an addendum report and a mitigation strategy which the Ecology Officer has reviewed. The Ecology Officer is now satisfied that the potential presence of protected species and habitats has been given due regard, and that the measures set out in the mitigation strategy will safeguard Great Crested Newts if they are encountered.

Trees

18. Policy GC4 of the Local Plan seeks to protect existing established trees and hedgerows in sound condition and of good amenity and wildlife value. In this regard, the comments from the tree officer are noted and no objections are raised to the application.

Drainage

19. The site is not located within a designated critical drainage area but it is acknowledged that the proposed development would increase the amount of hard surfacing. In this regard, a condition requiring details of the proposed materials would ensure that the parking and turning areas would be constructed in permeable materials. The development would also need to meet building regulations with regard to proper drainage.

Affordable Housing

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

Community Infrastructure Levy

21. The Council has recently adopted a Community Infrastructure Levy (CIL) for certain forms of development. The development is a type of development where CIL would be chargeable at a rate of £150 per sqm.

Conclusions

22. In conclusion, the principle of development on this site is accepted, and it is not considered that the proposal causes harm to the character of the area, amenities of neighbouring properties, highway safety, trees, drainage or ecology. As such, the proposal complies with the relevant Development Plan policies and is therefore recommended for approval, subject to conditions. The applicant has agreed to the pre-commencement conditions.

Working with the applicant

23. In accordance with Section 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

The Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, the submitted details were considered acceptable and the applicant was given the opportunity to respond to various points, including submitting additional ecology information. The application has been recommended for approval.

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

1 C108A General Time Limit

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

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

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

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

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

i) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

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

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

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

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

to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

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

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

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

5 Prior to the occupation of the development hereby permitted, the access and driveway shall be constructed in accordance with the approved plans. The access and driveway shall thereafter be kept free from obstruction.

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

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

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

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

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

8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced

in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

9 The development shall be undertaken in accordance with the recommendations provided within the Mitigation Strategy: Herpetofauna produced by AAe Environmental Consultants (February 2020).

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and to protect species of conservation concern.

10 Prior to the occupation of the development hereby approved, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of landscape planting of known benefit to wildlife and provision of artificial roost features, including bird and bat boxes. Any fencing/new boundaries shall include holes to enable the safe passage of hedgehogs. The approved scheme shall be implemented prior to the occupation of the development hereby approved.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy 24: Biodiversity of the Chiltern District Core Strategy and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

11 Prior to the occupation of the development hereby permitted, full details of the proposed boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall then be erected/constructed prior to the occupation of the dwellings hereby permitted and shall thereafter be retained, including the provision of hedgehog passages as required by Condition 10.

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

12 Prior to the occupation of the development hereby permitted, full details of the proposed bin storage for each new dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of each new dwelling and permanently retained for bin storage.

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

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows/roof lights other than those expressly authorised by this permission, shall be inserted in any of the side elevations at first floor level or above, of the dwellings hereby permitted.

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

14 AP01 Approved Plans

INFORMATIVES

1 Due to the close proximity of the site to existing residential properties, the applicants' attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicles parking at the site or making deliveries, and general disruption caused by the works.

By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk.

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 732792 for more information.

PL/19/3854/FA

Case Officer:	Emma Showan	Decide by Date:	29.05.2020
Date Received:	07.11.2019	Ward:	Chalfont Common
Parish:	Chalfont St Peter		
App Type:	Full Application		
Proposal:	Demolition of existing dwelling and erection of a new dwelling (Amendment to approved consent CH/2017/1788/FA)		
Location:	Bramblings 43 Denham Lane Chalfont St Peter Buckinghamshire SL9 0EP		
Applicant:	Mr R Haslam		

SITE CONSTRAINTS

Article 4 Direction
Adjacent to C Road
Adjacent to Unclassified Road
Area of Special Control of Advertisements
BPA Pipelines Buffer
Within Green Belt other than GB4 GB5
Mineral Consultation Area
North South Line
MWLDF and BMWLP (Mineral Protection Zones)
Townscape Character

CALL IN

Councillor Smith has requested that this application is referred to the Planning Committee if the Officers' recommendation is for approval.

SITE LOCATION

The application site relates to a former detached 1960s style bungalow located in Denham Lane, Chalfont St. Peter. Planning permission was granted in December 2017 for the replacement of this bungalow with a two storey detached dwelling with a detached double garage. Works have commenced and the property is currently under construction.

Specifically, the application site is located within a row of predominantly two storey properties, which are both detached and semi-detached in nature. There is a linear arrangement of properties along both sides of Denham Lane and there is a fairly consistent build line, although properties are mixed in character and appearances. To the rear (north-east), the site borders open countryside and the Green Belt.

THE APPLICATION

This application proposes the demolition of the existing dwelling and the erection of a new dwelling.

The proposed replacement dwelling would be two storey and detached with a hipped roof. It would have a maximum depth of 16.1 metres and minimum depth of 10.4 metres, width of 11.6 metres and height of 8.7 metres. It would include single storey additions at the rear and would incorporate dormer and bay window features.

The proposed replacement dwelling would not be constructed forward of the existing building line and would retain a gap of 1.2 to 1.3 metres at the north-west flank boundary (adjoining No. 41) and 4.2m to the south-east flank boundary (adjoining No. 45). The dwelling would be constructed of facing brickwork with flint panels and clay plain roof tiles.

It should be noted that approval for a similar scheme was granted planning permission in December 2017 and works have commenced, and indeed neared completion, on this dwelling. The current application is a resubmission of the earlier, approved, scheme but accounts for a dormer which has been erected in the side elevation (to serve a bathroom) and a second dormer which has been erected in the rear elevation (to serve a bedroom). These dormers were inserted during the construction but were not included on the plans approved under the earlier permission. This latest application seeks to assess whether the additional dormers are acceptable. Other elements of the proposal remain as approved.

RELEVANT PLANNING HISTORY

CH/2017/1788/FA - Replacement dwelling with detached double garage, conditional permission.

PARISH COUNCIL

'Strong objection: detrimental to neighbours, window that overlooks onto neighbour's privacy, concerns to the approved materials used. Permitted development not allowed on a new build'.

REPRESENTATIONS

One letter received from the adjacent neighbour at No. 41 Denham Lane which can be summarised as follows:

- No objection was raised to the original planning permission, as granted, which removed Permitted Development Rights to put in additional windows
- Concern that the side dormer window faces directly into the neighbour's bathroom and garden
- Obscure glazing would not be sufficient to alleviate feeling of being overlooked
- Increase in bulk at the side elevation creates an incongruous relationship between the dwellings
- Replacement of side dormer with a rooflight would be acceptable
- Removal of the dormer would not have an adverse impact on the interior layout of the proposed accommodation
- Applicant has ignored the planning conditions imposed as part of the original approval

CONSULTATIONS

Highways Authority:

'Denham Lane is a C class road subject to a 30mph speed restriction. Within the vicinity of the site, there is an absence of parking and waiting restrictions. The road benefits from a pedestrian footway on the side opposite to the site.

The proposed development is for a replacement dwelling. I would not expect a significant intensification in the number of vehicular trips associated with the site.

Four parking spaces are proposed. The parking standards specific that each parking space should be a minimum of 2.4 metres by 4.8 metres wide. Whilst I trust that the Local Planning Authority will consider the level of parking proposed, I can confirm that these spaces are of adequate dimensions and would allow for vehicles to park, turn and leave the site in a forward gear. The existing access is to be retained; this is suitable to serve the site.

Mindful of the above, the Highway Authority raises no objections to this application, subject to conditions.'

Waste Officer:

'Waste Services note the proposal for a new dwelling at No. 43 Denham Lane. We have no objections, residents to present their containers at the property boundary on collection day only. All collections to take place in accordance with Council policies.'

POLICIES

National Planning Policy Framework, amended 2019.

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

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies - GC1, GC2, GC3, GC4, H3, H11, H12, H18, TR11 and TR16.

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

Chalfont St Peter Neighbourhood Plan, 2014. Policies: LC1, H1, H2, H3, H5 and H6.

Emerging Chiltern and South Bucks Districts Local Plan: 2036.

EVALUATION**Principle of development**

1. The application site is located within the built-up area of Chalfont St Peter where proposals for replacement dwellings will be acceptable in principle subject to there being no conflict with any other policy in the Local Plan. Proposals should be compatible with the character of the area by respecting the general density, scale, siting, height and character of buildings in the locality and the presence of trees, shrubs, lawns and verges.
2. It is noted that this planning application follows the approval of application reference CH/2017/1788/FA for the erection of a replacement dwelling with a detached double garage. This application was granted planning permission in December 2017 and works have commenced in association with this application. Whilst implementing the granted permission, the Applicant has inserted two dormer windows (one in the side elevation and one in the rear elevation) which were not approved as part of the earlier permission. The dwelling as erected to date has therefore not been erected in accordance with the approved plans and the main issue for consideration now is whether the two dormers are acceptable.
3. This latest application in effect seeks planning permission for the two dormers. All other elements of the dwelling remain as approved, and given that there have been no changes to local planning policy or legislation, or material changes to the site circumstances, no objections are raised to the elements of the proposal that are the same as those approved under the previous permission. As the only difference between the two schemes is in relation to the insertion of two dormer windows, it is therefore necessary to consider the impact of these two dormers on the permission as previously granted.

Design/character & appearance

4. Policy CS20 of the Core Strategy outlines that all new development should be of a high standard of design which reflects and respects the character of the surrounding area. 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. In respect of the two dormer windows, one has been erected in the rear roof slope and a second has been erected in the side (north) elevation. Taking each dormer in turn, an assessment will be made as to their impact on the appearance of the dwelling and character of the area.

6. Local Plan Policy H18 refers to dormer windows on dwellings throughout the District and states that the Council will grant planning permission for dormer windows on dwellings provided that such dwellings are designed to respect the scale, proportions, existing windows and other features of the external appearance of the roof and elevation in which they would be constructed and with external materials to match those of the existing roof and existing windows in the same elevation.

7. To this end, the rear dormer serves a bedroom. Importantly, if the Applicant has waited until the dwelling was complete, it could have been erected as permitted development, without requiring a planning application. That is an important fallback position. The dormer has a flat roof, is of a modest size and would be sited centrally within the roof slope, off both the eaves and ridge, so that it does not dominate the roof in any way. It would not be visible from the street scene at all and is considered to integrate with the appearance of the dwelling, without appearing incongruous or overly large or intrusive.

8. With regard to the second dormer which has been erected in the side elevation, this would serve a bathroom. This dormer too has a flat roof, is small in size and is in keeping with the style of the other dormer at the property. Given its siting off the ridge and its modest width, it is not considered to dominate its respective roof slope. In addition, the projection of the dormer from the roof slope would be modest and, given that the dormer is set back from the projecting gable end, it is considered that the dormer would not dominate the appearance of the dwelling from the front elevation or detract in any way from the character of the street scene.

9. Finally, it is noted that the Parish Council has raised concern in respect of the proposed materials. The materials used in the construction of the dwelling to date have been found to be acceptable and have been approved in writing by the Local Planning Authority (CH/2018/30029/COND) and so no new objections can be raised now. In respect of the two dormers, these have not yet been completed, but can be subject to a condition requiring that they are completed in materials to match those of the remainder of the property. This will ensure that they integrate effectively with the dwelling and the area.

Residential amenity

10. Local Plan Policy GC3 refers to the protection of amenities throughout the district which seeks to ensure good standards of amenity for future occupiers of the development and existing neighbouring properties. Planning permission will be refused where amenities are impaired to a significant degree.

11. The dormer in the rear elevation would have an outlook onto the Applicant's own rear garden. As noted above, it could be built anyway, as permitted development, if built after the dwelling had been completed. Given its orientation and relationship with the adjacent neighbouring properties, it is not considered to have a detrimental impact on either of the neighbour's amenities. Specifically, it is noted that the dormer would not project beyond the rear projecting gable end at the north flank, and so views from No. 41 Denham Lane would be obscured by this existing part of the dwelling. Notwithstanding this, it is noted that neither of the adjacent neighbours have objected to the inclusion of this rear-facing dormer window.

12. In respect of the dormer in the side elevation, both the adjacent neighbour at No. 41 and the Parish Council have raised objection, on the basis that this dormer would be intrusive and would overlook No. 41's garden and dwelling. The dormer would serve a bathroom and the submitted plans indicate that the associated window would be opaquely glazed. If it was subject to a condition requiring it to be obscurely glazed and non-opening up to eye level, then clearly it would be incapable of causing overlooking. It is noted that it faces towards No. 41's flank elevation and the neighbouring occupiers state that they now feel vulnerable to overlooking and are unable to open their respective bathroom window. However, as the dormer

is sited at a higher level than the neighbour's existing window, even if it capable of being opened, any direct views from the dormer would be onto the neighbour's roof slope, and not into their property. On the basis of the proximity, it is considered that subjecting the dormer to a condition requiring that it be opaquely glazed and non-opening, would ensure that views from the side dormer are obscured and users will not be able to open the window to look into No. 41's dwelling or garden. Therefore, subject to this condition, there would be no overlooking at all and the dormer would not be harmful to the neighbour's amenities.

13. The proposed garden and waste arrangements would remain as existing and as approved as part of the earlier planning permission. No new objections are raised in either of these respects.

Parking/Highway implications

14. The proposed replacement dwelling would have a gross external floor area which exceeds 120 square metres. In accordance with Local Plan Policy TR16, this would require three on plot parking spaces to be provided. As the application proposes three car parking spaces to the front of the property, it therefore complies with the provisions of Local Plan Policies TR11 and TR16 and no objections are raised.

15. With regard to the access onto Denham Lane, this will remain as existing and the Highways Officer has confirmed that there is no objection to this arrangement.

Conclusion

16. The application has been assessed and the impact of the rear and flank dormers has been considered in respect of their impact on the appearance of the dwelling and character of the area, and any resulting loss of amenity to the neighbouring properties. It is noted that the rear dormer could be erected as "permitted development" anyway, once the house was completed. It is considered that the dormers would integrate satisfactorily with the remainder of the dwelling and would not have a detrimental impact on the appearance of the property within the street scene.

17. With respect to concerns regarding intrusion, it is considered that subjecting the flank dormer to a condition requiring it to be obscurely glazed and non-opening would ensure that the neighbour's amenities are adequately protected, as no overlooking would then be possible.

18. Based on the above assessment, it is not considered that a refusal of the application could be substantiated at appeal, particularly as conditions can be included to secure adequate protection for the neighbour's amenities.

Community Infrastructure Levy

19. The Council has recently adopted a Community Infrastructure Levy (CIL) for certain forms of development. The development is a type of development where CIL would normally be chargeable at a rate of £150 per sqm.

Working with the applicant

20. In accordance with Chapter 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

The Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, the Council has considered the details as submitted which were considered acceptable.

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

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

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

2 The dwelling hereby permitted shall be erected in accordance with the levels details submitted to the Local Planning Authority in relation to application CH/2018/30029/COND and approved in writing on 17th April 2018, unless alternative details have been agreed in writing by the Local Planning Authority.

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

3 The facing bricks and roofing tiles to be used in the external construction of the dwelling hereby permitted shall be in accordance with the details submitted to the Local Planning Authority in relation to application CH/2018/30029/COND and approved in writing on 17th April 2018, unless alternative details have been agreed 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.

4 Before the first occupation of the dwelling hereby permitted the windows at first floor level in the side elevations shall be fitted with obscured glazing and any part of the windows that are less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window shall be permanently retained in that condition thereafter.

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

5 Before the first occupation of the dwelling hereby permitted, the window in the north flank dormer shall be fitted with obscured glazing and shall be non-opening. The window shall be permanently retained in that condition thereafter.

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

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in the side elevations of the dwelling hereby permitted.

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

7 AP01 Approved Plans

INFORMATIVES

1 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 732792 for more information.

PL/19/4110/FA

Case Officer:	Dipanwita Chatterjee	Decide by Date:	24.03.2020
Date Received:	27.11.2019	Ward:	Chalfont St Giles
Parish:	Chalfont St Giles		
App Type:	Full Application		
Proposal:	Demolition and reconstruction of a new single dwelling house with associated works.		
Location:	Chiltern Cottage 8 Dibden Hill Chalfont St Giles Buckinghamshire HP8 4RD		
Applicant:	Mr and Mrs Dunn		

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Area of Special Control of Advertisements
Adjacent Public Footpaths and Public Rights Of Way
Chalfont St Giles Neighbourhood Plan
Within Green Belt other than GB4 GB5
Mineral Consultation Area
North South Line
MWLDF and BMWLP (Mineral Protection Zones)
GB settlement GB4,6,12,23,H7,13,19

CALL IN

Councillor Bray has requested that this application be referred to the Planning Committee if the Officers' recommendation is for approval.

SITE LOCATION

The application site is located to the northern side of Dibden Hill in Chalfont St Giles within a defined Row of Dwellings in the Green Belt, designated under Policy GB4. Within the site there is an existing two storey detached dwelling house and a detached carport and garage to the side. The surrounding locality has detached dwelling houses with varied styles and design. Dibden Hill rises towards the western side and there is a slope on the application site towards the north whereby the site slopes downwards from the road.

THE APPLICATION

The application seeks full planning permission for a replacement dwelling with associated landscaping and hardstanding demolishing the existing dwelling and the detached carport and garage.

The proposed dwelling would measure a width of 11.5m and a maximum depth of 14m in the ground level and 11.5m x 11.5m in the first floor level and will be placed centrally within the site having a gap of 4m from each of the side party boundary with the neighbouring properties Nos. 7 and 9 Dibden Hill. The overall height of the property will be 7.8m having a hipped roof form with a crown in the middle and an eaves height of 5.4m. It would have a neo-Georgian appearance.

The bin and garden store will be placed to the side of the dwelling along the party boundary with No. 9 Dibden Hill and will measure 1.8m in width and 6m in depth having a hipped roof form with a maximum height of 3m with 2.1m height to the eaves.

Further low level storage sheds will be placed along the party boundary with No. 7 Dibden Hill and will be around 2m high to ensure that it is concealed within the hillside upto existing retaining wall of boundary with No. 7.

During the planning application process the following amendments have been made:

- The previously proposed subterranean i.e. part underground double garage has been removed and the description accordingly changed.
- The proposed basement has been removed also removing the internal split levels.
- New garden and bin stores added to the side.
- New storage spaces added along No. 7 Dibden Hill party boundary.
- The maximum height would be 9.1m with 5.6m eaves height as compared to the originally proposed 9.6m with 5.8m eaves height.

RELEVANT PLANNING HISTORY

There is no relevant planning history for the application site.

PARISH COUNCIL

Initial comments received dated 10/01/2020 as follows:

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

Further comments received on amended proposal dated 21/02/2020 as follows:

'The amended plans do not address all of the concerns raised by the Parish Council therefore the Parish Council object to this planning application. Although Dibden Hill is a mixture of dwellings, this proposed application is completely out of character with the street scene. Concerns were raised about the car parking on site and the proposed removal of hedges and trees as shown on the plans. If this application is to be approved a full traffic management plan must be put in place as Dibden Hill is not a highway but a bridle path.'

REPRESENTATIONS

Ten letters of representation have been received as summarised below:

- Proposed is completely out of character and overpowering design for this location.
Officer's note- This has been discussed in the 'Design/character and appearance' section of this report.
 - Design of windows in particular not in keeping with surrounding area.
Officer's note- This has been discussed in the 'Design/character and appearance' section of this report.
 - Size and height will seriously overpower immediate neighbouring property.
Officer's note- This has been discussed in the 'Design/character and appearance' section of this report.
 - Visual impact of the subterranean garage.
Officer's note- This has been removed within the amended proposal.
 - Concern regarding gradient and narrowness and the proposed driveway and subterranean garage is unworkable. Does not reflect the rural vernacular. Impact on traffic flow.
Officer's note- This has been removed within the amended proposal.
 - The split level not reflected on elevations and may have massive impact in detail design stage.
Officer's note- This has been removed within the amended proposal.
 - Footprint is excessive.
Officer's note- This has been discussed in the 'Design/character and appearance' section of this report.
 - Overshadowing impact on neighbouring property.
Officer's note- This has been discussed in the 'Residential amenity' section of this report.
- Overlooking impact on neighbouring properties opposite.

Officer's note- This has been discussed in the 'Residential amenity' section of this report.

- Proposed building work may cause damage to adjoining April House (No. 9) through surface water and flooding of garage.

Officer's note- Given the scale of development proposed it is not considered to consult SUDS for surface water drainage. The neighbour's concern is acknowledged, however, it is not a material planning concern for this application.

- Solar panels are unsightly in the front roof slope.

Officer's note- This has been discussed in the Design/character and appearance section of this report.

- Incorrect response from highway officer lowers confidence.

Officer's note- The highway officer's response has been appropriately amended and the previous response has not been considered within this application.

- Impact on trees.

- The location plan drawing and side elevation is not consistent with the proposed floor plan.

Officer's note- The proposed location and site plan (1026-P02 rB), proposed floor plan (1026-P05 rC) and side elevations (1026-P11 rC) are all consistent. When measured it shows around 9.6m setback from Dibden Hill for the proposed dwelling's front building line and around 7.5m setback for No. 9 Dibden Hill. The side elevation drawing also reflects this distance. In any case the proposal will not change the existing position of the neighbouring properties. What it shows is the set-back for the proposed dwelling which is consistent in all three drawings.

- Eaves and gutter level of proposed in line with No. 7 Dibden Hill and the height difference between No. 7 and 9 is 2.1m. The drawings do not reflect that.

Officer's note- In the event of an approval, planning permission always conditions the approved drawings. Further conditions can be attached to ensure the slab levels and cross-sections in comparison to a fixed datum point and with respect to the surrounding area are provided prior to commencement of works and approved by the Local Planning Authority. The foundation and other details are dealt in the building control stage. Further, the compatibility of the proposed height of the new dwelling has been discussed in the evaluation section of the report.

CONSULTATIONS

Highways Authority:

A response was received on the amended drawings stating the following:

'Following my original comments, it has been brought to my attention that Dibden Hill is a bridleway and not a private road, which joins the highway network at Bowstridge Lane and Narcot Lane. These comments should therefore supersede my original comments made for this application.

When considering trip generation, the site as it currently operates is likely to generate vehicle trips comparable to that of the proposed dwelling. Therefore, I do not consider the overall development to result in an intensification of the site.

Whilst I trust the Local Planning Authority will consider the level of parking proposed, I am satisfied that sufficient hardstanding is present to allow vehicles to park, manoeuvre and egress in a forward gear.

Mindful of the above, the Highway Authority has no objection to the proposed development subject to a condition ensuring the parking area is provided.

POLICIES

National Planning Policy Framework (NPPF), February 2019.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS1, CS2, CS4, CS8, CS20, CS24, CS25 and CS26.

The Chiltern Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC2, GC3, GB2, GB4, GB6, H11, H12, TR2, TR11 and TR16.

Emerging Chiltern and South Bucks Districts Local Plan: 2036.

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

Chalfont St Giles Neighbourhood Plan.

EVALUATION

Principle of development

1. The application site is located within an Established Row of Dwellings in the Green Belt, outside of Chalfont St Giles. Within this area, Policy GB6 states that the rebuilding or replacement of an existing habitable dwelling will be acceptable where the siting of the dwelling to be rebuilt or replaced is the same or similar to the siting of the existing habitable dwelling and the curtilage of the development site is the same as the curtilage of the dwelling to be rebuilt or replaced.

2. All other relevant Development Plan policies should also be complied with.

Design/character & appearance

3. Policy CS20 of the Core Strategy outlines that all new development should have a high standard of design which reflects and respects the character of the surrounding area. 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.

4. The proposal seeks to replace the existing dwelling with a new dwelling along with associated works. Dibden Hill is characterised by predominantly detached two storey properties. The roof form, design and style of properties vary along this road. Further, the front and the rear building lines are also at variance along this area. Dibden Hill has an upward slope along the road towards the west as well as the southern side is at higher ground level than the northern side of the road.

5. The proposed dwelling will be placed and sited within close proximity of the existing dwelling and the curtilage of the proposed remains the same as the existing. This in turn adheres to Policy GB6 which guides the replacement of a dwelling in this location.

6. The footprint although larger than the existing will closely match the other properties within this area including Nos. 4 and 5 Dibden Hill; Silvertrees and will also closely match the neighbouring property April House at No. 9 Dibden Hill. There is no defined front and rear building line for the properties along Dibden Hill with No. 7 lined backwards but No. 9 placed further forwards. The replacement dwelling at No. 8 will be placed backwards than the existing property and will be placed behind No. 9 but slightly forwards of the building line of No. 7 Dibden Hill. Given the inconsistency of the building lines along the road, this is considered acceptable. Further, the new dwelling will be placed centrally within the plot leaving a distance of around 4m from each side party boundary which will retain sufficient gap to the sides. Given that the gaps between dwellings along Dibden Hill also greatly varies and the proposed gap will reflect the maximum retained gap between dwellings within the surrounding, this is also considered acceptable.

7. The design of the proposed dwelling reflects a Georgian style of architecture having a roughly cubic geometry and symmetrical front façade with classically proportioned large window openings also reflective of this style of architecture. It is this appearance that has generated several objections from third parties. Indeed,

it is acknowledged that this style is different to those buildings in the immediate area. However, whilst assessing the architectural styles of the surrounding area, it is concluded that the area is extremely varied with no defining style prevalent. In fact, the character of the area derives from the variety in building styles, from rustic agricultural, Victorian/Edwardian, Arts and Crafts early 20th century, more modernist and minimal styles. The usage of materials is also varied including timber, brickwork, render, flat, slate and tiled roofs. Given this variety, the introduction of Georgian style is considered acceptable. It would be extremely difficult to argue that a different style is not in keeping with the large variety which already exists. Further, given that the surrounding is not situated within a Conservation area or within the Chilterns Area of Outstanding Natural Beauty, the proposed design is not considered to have any detrimental impact on the street scene or the surrounding area. In the event of an approval, officers recommend an appropriate condition to provide further details of external materials to control the external appearance.

8. The proposed height of the replacement dwelling will be increased and will be around 0.7m below the ridge height of the neighbouring property No. 7 Dibden Hill thus providing a stepped appearance along the highway as it slopes upwards towards the west. This is generally considered to be a guiding factor for designing along the slope. Given that the current cottage is in fact much lower than both adjoining neighbouring properties also No. 9 Dibden Hill which is lower in ground level, this increase may be considered to be imposing. However, given the further backward positioning of the replacement dwelling within the plot the raising in ridge level to provide a stepped appearance is considered appropriate. In the event of an approval officers would recommend an appropriate condition to provide further sectional and elevational drawings with slab levels and with respect to a fixed datum point to ensure that the character of the surrounding area is maintained. The hipped roof form with a flat crown section providing rooflights with solar panels facing the southern/front elevation is also considered acceptable given the variance of roof form within the surrounding. Further, given appropriate colour and detailing of the solar panels with respect to the roof tiles this will not appear incompatible. Also given that NPPF supports sustainability, solar panels are considered appropriate to generate a sustainable source of power.

9. Overall, by virtue of the similar positioning, size and bulk in comparison to other dwellings in the vicinity, the proposed dwelling is considered to integrate satisfactorily within the street scene and would not have a detrimental impact on the character of the area and would comply with Policies CS20, GC1 and GB6 of the Chiltern Core Strategy and Local Plan.

Residential amenity

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

11. There has been concern raised by No. 9 Dibden Hill, the adjoining dwelling, regarding a potential overshadowing impact from the proposed dwelling. In assessing the impact on this neighbouring property, it is noted that the proposed ground floor rear building line of No. 8 the application property will be around 6.4m ahead and the first floor building line is around 4m ahead of the existing rear building line at No.9. Given this as well as a 4m separation distance from the party boundary, it is not considered that the proposal will have any detrimental overbearing impact or loss of light on No. 9 Dibden Hill also taking into consideration the change in the ground level. It will in fact be outside a 45 degree line drawn from No. 9's ground floor habitable window, which also indicates that it will not lead to any harmful impact. Of the two proposed side facing windows, one serves a bathroom and the other serves as a secondary window to the master bedroom, and can be appropriately conditioned to be non-opening/obscure glazed, in the event of an approval, to avoid any harmful overlooking.

12. In terms of the impact on No. 7 Dibden Hill, the proposed will be slightly forward of its existing rear building line and will be further staggered backwards within the proposed plot. This profile, the intervening

4m separation distance as well as the higher ground level of No. 7 will ensure that there will be no harmful overbearing impact or loss of light to this neighbouring property. Similar to above, officers would recommend an appropriate condition for the first floor stair and secondary bedroom4 window to avoid any harmful overlooking.

13. Given the recessed building line, the properties in the immediate opposite side of the road will be separated by around 24m and also being at a higher ground level would ensure that there is no detrimental overbearing, loss of light or overlooking impact on these properties.

14. With regard to other neighbouring properties, these are considered to be located at a sufficient distance away from the application site so that there is a reduced loss of amenity.

15. The depth of the rear garden from the proposed rear building line will be around 24m and will thus comply with Local Plan Policy H12. Further, the proposed internal layout will provide sufficient daylight and sunlight to habitable spaces and the plan form will allow flexible furniture layout and sufficient space for the future occupiers of the dwelling.

Parking/Highway implications

16. The proposed dwelling would have a floor area in excess of 120 square metres. As such, the parking standard for the property is three spaces, in line with the recommendations set out in Development Plan Policy TR16. These spaces can be adequately provided on site within the front area of hardstanding, so no objections are raised in this respect.

17. Further the Highway Authority has reviewed the access arrangement and trip generation within the highway network and is satisfied and therefore this should not lead to any highway safety issues. Given the width of Dibden Hill which is a bridleway and not a private road, which joins the highway network at Bowstridge Lane and Narcot Lane, a condition has been recommended to lay out the parking spaces prior to occupation.

Other issues

18. Trees and landscaping - The proposed development will not remove any trees of amenity value. The proposed landscaping is largely laid to grass to the rear with hardstanding to the front. It is advised that the hardstanding should be permeable. Overall, the landscaping is considered acceptable.

19. Ecology - The property is currently occupied, with loft accommodation utilising the roofspace. Therefore, it is not envisaged that the demolition will lead to any impact on protected species such as bats. Further, the proposed dwelling will be constructed without removal of any significant trees on site given that main part of the rear garden is laid to lawn. Thus the site conditions will not warrant a detailed ecological survey in this case.

Community Infrastructure Levy

20. The Council has recently adopted a Community Infrastructure Levy (CIL) for certain forms of development. The development is a type of development where CIL would be chargeable at a rate of £150 per sqm.

Conclusion

21. The proposed replacement dwelling will be compatible with the surrounding locality and the street scene. It is noted it is of a different style to other buildings in the area, but the character of the area derives from its variety, with no one style prevalent. It will not have any detrimental impact on the amenities of the nearby neighbouring properties and to the future occupiers. The parking provided on site is sufficient. The development would thus comply with the Local planning policies and the aims of the National Planning Policy Framework and is therefore recommended for approval.

Working with the applicant

22. In accordance with section 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

The Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, the Council has considered the amended details submitted which were considered acceptable. The applicant has agreed to the pre-commencement conditions.

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

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

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

2 Before any construction work above ground level commences, details of the facing materials and roofing materials to be used for the external construction of the dwelling hereby permitted and any hard landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these details.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.

3 Prior to the commencement of any works on site, detailed plans, including cross sections as appropriate, showing the existing ground levels and the proposed slab and finished floor levels of the dwelling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point normally located outside the application site. Further accurate street scene drawings should also be produced and approved in writing by the Local Planning Authority. Thereafter, the development shall not be constructed other than as approved in relation to the fixed datum point.

Reason: To protect, as far as possible, the character of the locality and the amenities of neighbouring properties.

4 Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Classes A, B, C, D or E of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site, unless planning permission is first granted by the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider whether any future proposals would be detrimental to the character of the locality or the amenities of neighbouring properties.

5 Prior to occupation of the development space shall be laid out within the site for parking for cars, loading and manoeuvring, in accordance with the approved plans. This area shall be permanently maintained for this purpose.

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

6 AP01 Approved Plans

INFORMATIVES

1 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 732792 for more information.

2 It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

3 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

PL/19/4163/FA

Case Officer:	Emma Showan	Decide by Date:	23.03.2020
Date Received:	02.12.2019	Ward:	Prestwood And Heath End
Parish:	Great Missenden		
App Type:	Full Application		
Proposal:	Redevelopment of site to provide 2 detached dwellings with vehicular access, associated hardstanding, landscaping and car parking.		
Location:	Chestnut House Broombarn Lane Great Missenden Buckinghamshire HP16 9JD		
Applicant:	Miss D Gabriel		

SITE CONSTRAINTS

Article 4 Direction
Adjacent to Unclassified Road
Area of Special Control of Advertisements
Within Chilterns Area of Outstanding Natural Beauty (AONB)
Within Green Belt other than GB4 GB5
North South Line
Within 500m of Site of Importance for Nature Conservation NC1
Townscape Character
Established Residential Area of Special Character

CALL IN

Councillor Gladwin has requested that this application be referred to the Planning Committee if the Officers' recommendation is for approval.

SITE LOCATION

This application relates to a site located on the west side of Broombarn Lane in the built-up area of Great Missenden. The site currently comprises a two storey detached residential dwelling which is sited centrally within a large residential curtilage. To the north and west, the plot borders the Green Belt, whilst to the south and east there are other residential dwellings. The adjacent dwellings, including the application site, fall within an Established Residential Area of Special Character, as defined by the Council's Local Plan Policy H4. Dwellings are predominantly detached, large in their footprint and have long residential curtilages. They are of mixed characters and appearances, and have been erected in a variety of building materials. The site also falls within the Chilterns Area of Outstanding Natural Beauty (AONB).

THE APPLICATION

This application proposes the redevelopment of the site to provide two detached dwellings with vehicular access, associated hardstanding, landscaping and car parking.

The dwelling on Plot 1 would have a maximum width of 10 metres, depth of 16.5 metres and pitched roof height of 8 metres, with an eaves height of 4.7 metres. It would comprise four bedrooms at first floor level and an integral garage as part of the dwelling. A balcony would be provided within the front elevation to serve the master bedroom. A basement is also proposed, this would accommodate a fifth bedroom/additional living accommodation, gym, wine cellar and cinema room.

The dwelling on Plot 2 would have a maximum width of 9 metres, depth of 18.5 metres and pitched roof height of 8.3 metres, with an eaves height of 5.25 metres. It would comprise four bedrooms at first floor level, and a fifth habitable room, gym, cinema room and wine cellar in the basement. A separate car port providing parking for two vehicles would be provided to the front. This would be open sided with a pitched tiled roof. It would have a height of 4 metres, depth of 5.5 metres and width of 6 metres.

Both dwellings would have a shared driveway onto Broombarrow Lane which would utilise the existing access onto the highway (which serves the current dwelling on site).

The Applicant has submitted the following surveys in support of their application:

- Arboricultural and Planning Integration Report (GHA Trees)
- Bat Activity Survey Report (Elite Ecology)
- Protected Species Survey & Assessment (David Archer Associates)
- Transport Technical Note (iceni)

It is noted that during the course of the application, the Applicant has submitted amended plans. These amended plans have omitted the second floor/roof space habitable accommodation, reduced the height and depth of the dwellings and included basement accommodation.

RELEVANT PLANNING HISTORY

PL/19/2508/FA - Redevelopment of site to provide two detached dwellings with vehicular access, associated hardstanding, landscaping and car parking: withdrawn.

PARISH COUNCIL

Comments received on 14th January 2020 (in respect of the originally submitted plans) and to be read as follows: 'A similar application PL/19/2508/FA was considered by the committee at its September meeting, and was subsequently withdrawn. The Parish Council agree that some redevelopment of the existing property would not be inappropriate. And that the revised application is a marginal improvement in that it is no longer a proposed tandem development, which is something that the Draft Local Plan under policy DM DP8 indicates, will specifically not be permitted.

However the Parish Council's planning committee at its meeting on 6 January made the following observations which were subsequently ratified by the full council at its meeting on 13 January and oppose the current application on the following grounds:-

a) Parking. Chiltern's current Parking Standards Policy TR16 residential minimum design dictate that the site would require a total of a minimum 6 parking spaces with the minimum internal dimension of any single garage being 2.7m x 5.0m.

[Officer Note: this is incorrect, as the parking standards are not minimum standards, as this would be contrary to Government advice. A formal resolution was passed by the Council in 2007 to refer to the parking standards as simply standards and not to interpret them as minimum standards. An assessment therefore has to be made regarding the location of a site and whether the full standard should be provided, as this will not be the case for all sites.]

Plot 2 in the proposal has a double garage building with two single garages each having internal dimensions of only 2.4m x 4.75m and as such considered storage areas not garages, for purposes of car park space count. Therefore it appears that the proposed parking arrangements fall materially short of the current requirements in respect of parking provision and the safe manoeuvring to enable egress and access in a forwards manner and would fall even further short of the latest official parking standards set out in the planning authorities draft plan, upon which the public have already been consulted. Bearing in mind the location of the site, on a single track road with passing places and no parking provision on the road other than with a risk of obstruction of the highway and interference with the rights of those in neighbouring properties as to access,

on-site parking must be adequate. In addition a total of approximately 14 refuse/recycling bins/containers would need to be parked on the site somewhere in the hard standing / parking area for which no specific provision is made in the proposal.

b) Access. The position and nature of the parking and access provided on the plans suggests that to leave the premises vehicles might have to reverse. Bearing in mind the highway is a single track road this creates a very significant highway safety issue. A combined access to both proposed properties fails to address these concerns and fails to provide scope for service vehicles to the property.

c) Traffic Generation. The size and scale of the proposed dwellings is such that it will generate a level of traffic movements both of residents and for service vehicles that is inappropriate as the only access is from Broombar Lane, a single track road.

d) Overlooking and loss of privacy. Because of the design of the proposed new properties one would appear to overlook from its front first floor bedroom full floor to ceiling height window and Juliet balcony, a neighbouring property which as a result will suffer an unacceptable loss of privacy and amenity for occupiers of both properties.

e) Green Belt/AONB. The site lies within an Area of Outstanding Natural Beauty and is bounded on 2 sides by the Green Belt in which any development should only be approved in very special circumstances. [Officer Note: this only applies within the Green Belt]. Permitting additional building risks setting a precedent in favour of further development within or encroaching upon the Green Belt. [Officer Note: this is absolutely not the case, as the site is not within the Green Belt]. The National Planning Policy Framework at S 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues and this is reinforced in the existing local plan at LSQ1 which states that Development should conserve, and where considered appropriate and practicable by the Council, enhance the special landscape character and high scenic quality of the Area of Outstanding Natural Beauty. The proposed development does not enhance the special landscape character not the high scenic quality of the AONB, and would have a significant detrimental impact on the public visual amenity namely the views along the valley and in the Green Belt.

f) Layout and density. Although the layout is improved by not being a tandem development the overall impact of 2 houses of the size proposed on the plot is out of keeping with other plots along the road and is overbearing with the roof heights being significantly greater than that of neighbouring properties. Furthermore because of the need to preserve privacy between the dwellings there are limited windows in the side walls which in view of the height of the building will restrict the natural light to the properties.

g) Design and appearance. The design and appearance is out of keeping with the street scene. Furthermore by only allowing one means of access to and egress from the site highways safety is likely to be compromised. Furthermore, the parking provision on the plans does not indicate which parking spaces are allocated to which property which risks issues with sufficiency of car parking on the site.

h) Trees and ecology. There is concern that despite the ecological report prepared suggesting that many trees will be retained, and some replaced, one tree supposedly to be retained has already been felled which may well be an indicator of the risk of the loss of further established trees on the site.

i) ERASC. The planned development is within an established area of special character which provides that and development must retain the special character of the area. Damage to the special character or development that significantly increases the density of buildings is not to be permitted. The proposal has an adverse impact on the plot pattern, rhythms and gaps that create the semi-rural distinctiveness of the area. In particular criteria for development in such locations provides amongst other things that each dwelling should have an

existing frontage to an existing road (being a metalled carriageway) and that the frontage width should be similar to other plots widths on the road. The proposed property, Plot 2 is screened from the highway, has no independent access to the highway and arguably therefore has no frontage to the highway and is non-compliant.' [Officer Note: frontage to a highway and access to a highway are two different matters.]

Comments received on 20th March 2020 (in respect of the amended plans) and to be read as follows:

'The Parish Council oppose this application for the reasons set out when it originally opposed the application and in addition:

- a) Not in particular that with this amendment there would be a huge impact on traffic generation to remove the spoil in order to create the basement accommodation with all the associated implications for access and highway safety on Broombar Lane.
- b) Document 3016.BRMB.205 (REV A) - STREET SECTION 4) indicates the ridge height is in line with the neighbouring property Wreylands. This would appear to be incorrect. Wreylands ridge height is 7.0 metres or thereabouts. Using the applicant's scale the proposed dwellings would appear to have a ridge height of 8.0 metres and 8.4 metres thereabouts, and so the basis of the objection remains.
- c) It is noted that the application now proposes an additional bedroom prior to the submission making a total of ten bedrooms, worsening the concerns over Highway access and car parking raised by many residents and the Parish Council previously.
- d) The Parish Council believes the Highway safety issues presented by this Application remain unsurmountable.

In summary this amendment to the previous application does nothing to ameliorate the objections raised previously, and raises ever more concerns in relation to Highway safety.'

REPRESENTATIONS

Thirteen letters of objections received to the originally submitted plans which have been summarised as follows:

- Site is subject to covenants restricting one dwelling per plot
- Development should be sympathetic to Green Belt and AONB
- Appearance of the development is bulky and out of character with existing dwellings
- Dwelling 2 would not have a frontage onto the highway
- Overdevelopment
- Prominent siting of the dwellings; site is elevated above its neighbours
- Proposed dwellings are significantly higher than neighbouring dwellings
- Ridge heights should be the same as at Wreyland
- Proposed dwellings are not small as described in the planning statement
- No other three storey dwellings or balconies in the road
- Overlooking, overbearing and loss of amenity
- Oppressive environment for future occupiers
- Unsuitable living conditions for future occupiers
- Broombar Lane has been artificially widened and is not a reflection of the true carriageway
- Access layout is hazardous for other road users
- Insufficient parking
- Parking arrangements are dangerous
- Garages inadequate for vehicular parking
- Inadequate manoeuvring space
- Future occupiers will need to reverse onto the highway
- Likelihood of overspill parking
- Concern regarding blocked driveways
- Increase in congestion and traffic problems
- Impact on emergency service and waste vehicular access
- No pavement along Broombar Lane

- Danger to pedestrians and cyclists
- No street lighting
- Garage would be too small to be used and would provide little shelter and no security for cars
- Misleading and inaccurate highways report
- The tree report does not include the trees that have been removed
- No provision for waste bins
- Concern for fire engine and waste vehicle access
- Vertical plan (reference L0300) is inaccurate
- Loss of countryside view
- Consent would set a precedent
- Little material difference between this scheme and the previously withdrawn scheme
- Harm would outweigh the benefits
- Scheme is worse than the withdrawn application
- Other schemes in the locality have been refused
- False statements included in Planning Statement
- The locality is not urban or a 'townscape'
- Site is not well served by public transport
- Emerging Local Plan is a material consideration and should be given weight
- Opportunity for neighbour disputes over shared parking area
- Concern regarding management of shared spaces within development
- Ownership of proposed dwellings should be resolved prior to determination
- Conditions have been suggested should permission be granted

Ten letters of objection have been received in response to the amended plans. These have been summarised as follows:

- The proposed parking spaces are substandard and inadequate for modern vehicles
- Insufficient parking
- The Applicant has falsified the data in the ACT speed survey
- The Highway Authority recommendation is based on incomplete consideration of current guidelines
- Proposal would set a dangerous precedent for Highways to base its recommendations
- Overflow parking to impede or block other vehicles using the highway
- Inadequate manoeuvring space within the site for proposed parking
- Proposed dwellings are still overly tall and other applications for dwellings with a height of 8 metres have been refused
- Submitted street scene plan is inaccurate and deceptive
- Visibility splays can only be achieved with loss of hedging
- Views from the Green Belt will be worsened
- Street scene would still appear overbearing and cramped
- Noise whilst excavations take place
- Impact on stability of ground
- Additional traffic resulting from removal of spoil from site
- Detrimental impact of additional vehicular traffic and construction vehicles on Broombar Lane
- Inconvenience to neighbouring properties
- Applicant has not demonstrated the feasibility of the basements and set out how the work will be undertaken
- Application should be invalid due to inaccuracies on plans and application form
- No ECDS, CTMP, CDMP or sustainability statement have been submitted with the application
- Urban design of dwellings is not in keeping
- No details of where cycle and refuse storage will be
- Loss of privacy and amenity

CONSULTATIONS

Building Control:

'Provided that there is ramped/level access to the main entrance door with a level threshold and the access route from the vehicle parking area is firm (not loose gravel) and in accordance with Approved Document M it will be compliant.'

Highways Authority:

'The Highway Authority has carried out further assessments of the application in light of extensive submissions by neighbours who are concerned about achievable visibility splays and the adequacy of parking proposed.'

When assessing the required visibility splays in this location, the submission of an ATC speed survey confirmed the actual vehicle speeds within the vicinity of the site. I note within a number of local objection letters, concerns have been raised that the speed survey carried out could have been purposefully influenced to provide lower speeds. For the avoidance of doubt, the 85th%ile speed demonstrates that 85% of vehicles recorded by a survey are going at or below this speed. Having assessed the speed survey in detail, it was found that deviation between the mean speeds was low and as such I do not have sufficient evidence before me to question the robustness of the speed survey. It is important to note that the 85th%ile is the appropriate benchmark as opposed to the mean, which is subject to greater variability as is reflected in the lower speed produced by the survey company. As this is the case, this would not have a material impact on the results of the speed survey.

From the aforementioned ATC speed survey, it was calculated that visibility splays of 39m to the left and 49m to the right from 2.4m back from the edge of the carriageway from both sides of the existing access were required. These should be kept clear from any obstruction between 0.6m and 2.0m from ground level; which would include the bank as you near the carriageway. These visibility splays fall partly within land owned by the applicant to the left upon exit, with the rest falling within highway land.

As stated in my previous response, the creation and maintenance of these visibility splays may require the trimming of the hedges to a maximum height of 0.6m. It is noted within objection letters that the existing street scene should be maintained, however, this is something to be considered by the Local Planning Authority within the planning balance.

With regard to the proposed parking, as previously stated, the Local Planning Authority will comment on the parking provision in line with current policy. It is my understanding that a development of this size would require six parking spaces to be provided on site. Within my previous response, I had made reference to the 'external garage' for Plot 2, which I am now aware is actually a car port. Nevertheless, I am satisfied this is of adequate dimensions to allow two vehicles to park. I am satisfied that all six vehicles are able to park within the site, so not to impact upon the highway.

Whilst the applicant has not specifically indicated the arrangement in which vehicles are proposed to park, I would assume that Plot 1 would park in a tandem arrangement, and Plot 2 would position two vehicles in the car port, with one in the turning head. Assuming this layout, I am satisfied all vehicles associated with Plot 2 would be able to manoeuvre and egress in a forward gear. Whilst this arrangement may result in vehicles associated with the same dwelling being moved to allow another to egress, the Highway Authority would not be able to sustain a reason for refusal on this, should the application go to appeal.

Similarly, the assumed tandem arrangement for Plot 1 would require vehicles to be moved whilst another egresses. However, as aforementioned, I would not be able to sustain this as a reason for refusal as all vehicles are associated with the same dwelling, and is more of an amenity issue rather than a highway safety issue. I further note that tandem parking arrangements are not unusual with respect to new residential developments.

It is accepted that, whilst there is enough space, a vehicle would be unlikely to park adjacent to a vehicle in front of the garage as this would block the entrance to the dwelling. However, this area would allow space for manoeuvring within the site or for a vehicle to wait whilst vehicles associated with the garage and space fronting the garage to egress. As such, I do not believe the parking arrangements for this proposal would result in a detrimental impact upon highway safety and convenience and the Highway Authority are not able to reasonably recommend this application for refusal.

Six spaces are able to be provided, in line with the requirements made by the Local Planning Authority, with suitable room for vehicles to turn within the site.

Mindful of the above, the Highway Authority stands by the original consultation dated the 18th February 2020.'

Tree and Landscape Officer:

'The application includes what is referenced as the same Arboricultural and Planning Integration Report that was submitted with the previous application, PL/19/2508/FA, but I note that G4 hornbeam has now been omitted from the Schedule in Appendix B. Furthermore, this time there is no Tree Protection Plan or any other plan identifying the positions of the trees. Under the previous application I had commented:

The application includes an Arboricultural and Planning Integration Report, which is stated as having been surveyed on 17th August 2019. Various trees have been removed from the site in recent months, which is particularly obvious from the existing Site and Block Plans dated 23rd May 2019 and the Phase 1 Habitat Plan dated June 2019 in the ecology report. This work appears to have been carried out in several stages and includes at least four large trees towards the rear of the site and one large tree by the access. A number of smaller trees have also been removed including some marked for removal on the tree survey. These removals include a large tree near the path to the house on Plot 2, which is shown for retention on the Site Layout plan dated 26.06.19 and the tree by the access, which was identified as having some potential for bats in the ecology report. Interestingly this latter tree by the entrance was reported as being removed on 22nd August although it was not recorded as being present at the time of the tree survey on 17th August. Furthermore there is still a large birch tree on the northern boundary beside the house on Plot 1 between T11 and T12 in the tree survey, which is shown to be retained on the Site Layout plan but it has also not been recorded on the tree survey.

The application proposes a widening of the access by the road, which would have required the loss of the large tree already removed before the previous application and would also require the loss of some hedging.

The Site Layout Plan shows the retention of a tree at the rear of Plot 1 that has already removed as mentioned under previous application. The large birch between what are now T10 and T11 (previously T11 and T12), which was omitted from the tree survey, is not shown on the Site Layout plan and appears to be proposed for removal although it is not directly affected by the proposal. The nearby small weeping birch, T10, and a young Liquidambar, T9, are shown for retention but unfortunately a good young Himalayan birch about 10m in height near T9 and T10 would be lost for the garage. The largest trees in the front boundary belt, a Norway spruce, a cherry, a hornbeam and a horse chestnut, are shown for retention.

In conclusion, I regret the extensive tree removal prior to the submission of the previous application and I would like to see the retention of the birch by T10 and T11, and ideally the young Himalayan birch. However, in general I would not object to the application provided there is adequate protection for the retained trees including a Tree Protection Plan as mentioned in the Arboricultural and Planning Integration Report.'

POLICIES

National Planning Policy Framework, amended 2019.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS20, CS22, CS25 and CS26.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Saved Policies: GC1, GC3, GC4, LSQ1, H3, H4, H11, H12, TR2, TR3, TR11, TR15, TR16.

Draft Chiltern and South Bucks Local Plan: 2036. Policies DP8, DP13, DP16, DP17, DP18, DP19 and CP3.

EVALUATION

Principle of development

1. The application site is located within the built-up area of Great Missenden where proposals for new dwellings will be acceptable in principle subject to there being no conflict with any other policy in the Local Plan. Proposals should be compatible with the character of the area by respecting the general density, scale, siting, height and character of buildings in the locality and the presence of trees, shrubs, lawns and verges.
2. The site is also located within an Established Residential Area of Special Character, as defined by Local Plan Policy H4, which contains a list of criteria with which a proposal should comply:
 - The plot size of any proposed dwelling in terms of shape and magnitude should not be significantly at variance with other existing plots in the vicinity
 - Each proposed dwelling plot should have an existing frontage to an existing road
 - The width across each plot frontage should be closely similar to other plot widths in the vicinity
 - The position of each proposed dwelling within its plot and the spacing between dwellings should be in accordance with the prevailing character in the vicinity
 - The frontage building line to the existing road should be generally maintained and the general height of buildings in the vicinity should not be exceeded
 - The form of existing residential development should be maintained in terms of dwellings being detached, semi-detached, terraced
 - The size, design and external appearance of each new dwelling should be compatible with the character of existing dwellings in the vicinity
 - Important features which are characteristic of the street scene in the vicinity should be retained. Such features include trees, shrubs, hedges, footways etc.
3. All other relevant Development Plan policies should also be complied with.
4. In terms of the Draft Chiltern and South Bucks Local Plan 2036, this document has been referred to in a number of third party representations. To confirm, the Draft Local Plan is still under examination and has not yet been adopted. As such, it carries limited weight and the proposed development will be assessed against the provisions of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011; the Core Strategy for Chiltern District - Adopted November 2011; and the National Planning Policy Framework.
5. In addition, by way of background and to prevent confusion, the application site relates to a property registered with the Council as 'Chestnut House'. Chestnut House is the name currently used by the exiting dwelling on site and it is this name that appears on the property's front gate. Historically, the dwelling was named 'Ikoyi' and it is this name that appears on a number of documents associated with this application, including the original application form submitted as part of the planning application. It is not known when the property was re-registered as Chestnut House but during the course of this application, a correct application form has been submitted by the Applicant and the property has been re-advertised under the current name of Chestnut House. Nonetheless, documents referring to both Chestnut House and Ikoyi will be given consideration as part of this application.

Design/character and appearance

6. The application site is located off Broombar Lane and currently consists of a single, two storey detached dwelling, Chestnut House. The dwelling is the final dwelling in a row of seven properties which extend along the western side of Broombar Lane, and occupies a larger plot than its neighbours along this side of the highway. To the rear (west) and side (north), the site borders open countryside and land designated as Green Belt. Across from the application site, is located a row of detached dwellings which have a relatively uniform build line. These properties extend about half way down the highway, before the road narrows and dwellings give way to open countryside and woodland. Properties along both sides of the highway vary in character and appearance, but are all set back from the highway with hedged boundaries and areas of off road parking. Whilst dwellings along the west side are predominantly two storey, the east side is characterised by two storey dwellings in addition to bungalows and chalet bungalows. The entirety of the application site, four of its neighbours to the south and all of the properties along the east side of the highway are located within an Established Residential Area of Special Character, as defined by Local Plan Policy H4.

7. Local Plan Policy H4 relates to the provision of new dwellings in Established Residential Areas of Special Character and states that development within any of these areas must maintain the special character of that area. Proposals for new dwellings which would significantly affect the density of buildings or damage the special character will not be permitted, and a list of criteria is provided to which new development must conform. I will assess the proposal against each of these criteria in turn.

A) The plot size of any proposed dwelling in terms of shape and magnitude should not be significantly at variance with other existing plots in the vicinity.

It is proposed to subdivide the existing plot to enable the erection of the two dwellings in a side-by-side arrangement. The proposed plots would therefore be of the same depth as the existing dwelling on site, and in fact would remain deeper than that of the neighbouring properties along this side of the road. In terms of width, Plot 1 would have an average width of 13 metres and Plot 2 would have an average width of 18.8 metres. Other dwellings in the locality along this section of Broombar Lane vary in terms of their plot widths, with the dwellings located on the same (west) side of the highway as the application site having narrower plot widths than their neighbours on the east side of the highway. Along the west side of Broombar Lane, the average plot width is approximately 15.2 metres (ranging from 11.5 metres at Ambleside to 18.8 metres at Wreyland) and so the proposed dwellings would comfortably fall within this range, and would be in keeping with the existing plot widths along this part of Broombar Lane. Therefore, it is considered that the proposed plots would be in keeping with the shape and magnitude of existing plots in the locality.

B) Each proposed dwelling plot should have an existing frontage to an existing road.

The two proposed dwellings would have a front elevation onto Broombar Lane and would be sited so that they maintain the build line along this section of the highway. A number of third party representations have stated that as the two properties would share a driveway off Broombar Lane, they consider that the dwelling on Plot 2 would not have a frontage onto an existing road. However, fronting a road essentially means facing a road, therefore as the dwelling on Plot 2 would have a front elevation facing onto the highway and would be sited so as to maintain the build line, this property would indeed have a frontage onto the highway, irrespective of the fact that the dwelling would rely on a shared access - indeed this would not necessarily be unique to this site or Established Residential Areas of Special Character in the District. The criteria's intention is to prevent 'back land' development whereby dwellings are located to the rear of other dwellings and this would not be the case at the application site.

C) The width across each plot frontage should be closely similar to other plot widths in the vicinity.

It has already been set out under the consideration of 'Criterion A' that the proposed plot widths would be in keeping with those of existing dwellings along this part of Broombar Lane.

D) The position of each proposed dwelling within its plot and the spacing between dwellings should be in accordance with the prevailing character in the vicinity.

The two dwellings would be sited on roughly the same footprint as the dwelling to be demolished. Despite being set slightly to the rear of the immediate neighbour to the south at Wreyland, they would be broadly in line with the other neighbours along this side of the road at Mayrhofen, Ambleside and Broombarn Cottage. The dwellings would be sited off their boundaries to retain adequate spacing, and indeed would have more spacing around them than the neighbours along this side of the road and in parts along the east side of Broombarn Lane where dwellings extend right up until their flank boundaries. It is therefore considered that the dwellings would be sited and spaced in accordance with the prevailing character in the vicinity.

E) The frontage building line to the existing road should be generally maintained and the general height of buildings in the vicinity should not be exceeded.

It has already been set out that the frontage build line to the existing road would be maintained. In respect of the height, Dwelling 1 would have a height of 8 metres which is comparable to the height of the adjacent neighbour at Wreyland*. The eaves height of this dwelling (2.5 and 4.8 metres) would also be comparable to that at Wreyland (4.7 metres), as is shown on the submitted street scene plan. Meanwhile, Dwelling 2 would have a height of 8.3 metres, meaning that this dwelling is marginally taller than Dwelling 1 and Wreyland. However, the increase in height is modest, and it is not considered to be large enough so as to dominate the adjacent neighbouring properties or appear unduly prominent in the street scene. As such, given that the height of the two proposed properties would be comparable to that at the existing directly adjacent dwelling at Wreyland, it is considered that the general height of buildings in the locality would be maintained and the proposal would not appear unduly prominent or intrusive in the street scene.

* Officer note: A number of objection letters, including that from the Parish Council have referred to the fact that the Applicant's submitted comparative street scene plan (reference: 3016.BRMB.205 A) is inaccurate as it shows the two proposed dwellings as being of a comparable height to the existing dwelling at Wreyland. A previous planning permission (CH/2014/1375/FA) for the dwelling at Wreyland set out that this dwelling would have a maximum ridge height of 7.3 metres. This compares to the 8 and 8.3 metre heights proposed under this application. This has been raised with the Planning Agent who has confirmed that the topographical surveys undertaken on site indicate the ridge height of Wreyland to be approximately 7.8 metres. This difference may be accounted for in the varying land levels on site, and it is noted that no levels plan was submitted/approved as part of the planning application previously approved at Wreyland. In order to account for any inconsistencies with the heights, and taking account of the varying land levels on site, it is considered essential that, should planning permission be granted, that a levels condition is included. This will allow the Local Planning Authority to control the height of the proposed dwellings in relation to Wreyland and will ensure that the proposed dwellings are erected to be of a comparable height to the adjacent neighbour, when viewed from the street scene. In any event, whether the new dwellings are slightly higher than Wreylands or not, would not be considered harmful to the character of the area, particularly given the set back of the proposed dwellings which would reduce their prominence in the street scene.

F) The form of existing residential development should be maintained in terms of dwellings being detached, semi-detached, terraced.

The proposed dwellings would be detached, in keeping with the other residential properties along Broombarn Lane.

G) The size, design and external appearance of each new dwelling should be compatible with the character of existing dwellings in the vicinity.

Broombarn Lane is characterised by dwellings of mixed appearances and utilising a range of materials. The two proposed properties would be similar in terms of their forwards projecting gable ends and roof shapes but would encompass different character features (Plot 1 would have a mock Tudor façade incorporated as part of the gable end and Plot 2 would utilise tile hanging as part of its gable end). Both dwellings would be deeper than they are wide in terms of their plan form, but this is not dissimilar to the layout of Mayrhofen, Ambleside and Broombarn Cottage which are also located along this side of Broombarn Lane and within close proximity of the application site. From the street scene, the traditional appearance of the dwellings and their comparable height to the adjacent neighbour is considered to result in the proposal appearing in keeping with the local character and appearance of dwellings. Meanwhile, a condition requiring the submission of details of proposed materials will ensure that the facing materials are appropriate to the character of the area.

It is noted that the two dwellings would be larger than their adjacent neighbours and this would be for the most part facilitated by the creation of basement living accommodation. However, the basements would not be visible from the street scene and light wells will only be present in the rear. For this reason, it is not considered that the proposed basements would detract from the character of the area, given that the basements would not be visible from public areas.

H) Important features which are characteristic of the street scene in the vicinity should be retained. Such features include trees, shrubs, hedges, footways etc.

The proposal would retain the hedge at the front boundary, maintaining the semi-rural character of the area. It is noted that some trees have been removed from site prior to the submission of the planning application, however trees do remain on site and should the scheme be granted planning permission, then conditions can be included to ensure that these are retained as part of the development.

8. Overall, based on an assessment of the proposal against the criteria set out under Policy H4 of the Local Plan, it is considered that the development would comply with criteria set out within this policy, and the proposed dwellings would be of a height, depth, bulk and appearance that would be in keeping with that of the neighbouring properties. The proposal is therefore considered to be acceptable and in keeping with the character of the Established Residential Area of Special Character.

Impact on Green Belt and AONB

9. The application site is located in the Chilterns AONB and borders the Green Belt to the north and west. A number of third party representations have referred to the proposal's detrimental impact on the Green Belt, however as the site is not located within the Green Belt, it is not subject to the same stringent Green Belt development restrictions and the principal of the development remains acceptable.

10. With regard to the impact of the development on the Chilterns AONB, Development Plan Policies LSQ1 and CS22 state that development should conserve and, where considered appropriate and practicable, enhance the special landscape character and high scenic quality of the AONB. In this respect, whilst the redevelopment of the site is not in of itself detrimental to the character of the AONB, should planning permission be granted, it would be subject to conditions requiring the submission of proposed facing materials to ensure that they are in keeping with the rural character of the area, as well the submission of a landscaping scheme to ensure that important remaining trees and hedging are retained on site and the semi-rural character of the area is not undermined. It is also noted that the amended plans have 'handed' Dwelling 2 so that the bulkier flank elevation is now adjacent to Dwelling 1, and the 'simpler' flank elevation will face towards the boundary with the open countryside. This has helped to reduce the visual massing of the proposal, particularly in views from this open countryside.

Neighbouring amenity

11. Plot 1 would have an adjacent neighbour to the south, 'Wreyland'. As the proposed dwelling would be sited on a comparable footprint to the dwelling to be demolished, it would have a rear elevation that extends by about 11 metres beyond the rear elevation of Wreyland, of which 6 metres would be at first floor level. The Applicant has submitted plan reference 3016.BRMB.202 REV B showing that adequate separation would be retained between the properties so that the 45-degree line set out in BRE guidance is maintained at first floor level, and there would be no loss of light to Wreyland as a result of the development. Importantly, the new dwelling would be to the north of Wreyland, so would not result in overshadowing, due to the path of the sun. In terms of intrusion, only one window is proposed in the flank elevation facing towards Wreyland and this would serve a bathroom so provided it is non-opening and fitted with opaque glazing, it is considered that there would be no direct intrusion to Wreyland resulting from the proposal.

12. There are no neighbouring dwellings to the rear (west) of the application site, and nor to the north (side). As such, there would be no loss of amenity in either of these directions.

13. There are neighbouring dwellings opposite the application site, along the eastern side of Broombar Lane and concern has been raised as to the impact the development would have on these properties. Whilst the dwellings would be taller than these neighbours and would have front facing windows, in excess of 40 metres would separate the front elevations of the proposed dwellings and the opposite neighbours. This is considered to be sufficient to prevent intrusion and loss of amenity. It is noted that a balcony is proposed on Plot 1, however given the separation between the proposed balcony and the nearest neighbouring properties, and as views from the balcony would be onto the highway and front gardens/garages of these properties, and not their rear gardens, it is not considered that the inclusion of a balcony on Plot 1 would result in an unacceptable loss of neighbouring amenity. It is also noted that the front boundary of the site is currently hedged and this offers an additional level of screening. Given that this hedging and planting is important in views from the street scene, it will be subject to a condition requiring that it is maintained, should the application be granted conditional approval. This will further reduce the perception of intrusion into neighbouring properties.

14. In terms of amenities for future occupiers, Policy H12 of the Local Plan sets out that each new dwelling should have a garden area adequate for and appropriate to the size, design and amount of living accommodation proposed. The general standard expected will be a minimum rear garden depth of about 15 metres. In the case of this development, the proposed gardens would be in excess of 35 metres, exceeding the standard set out in Local Plan Policy H12 and in excess of the garden depths at adjacent neighbouring properties. This is considered to be sufficient for future occupiers of the development.

15. Adequate space will be retained on site for the provision of waste receptacles and collections will take place in accordance with the Council's waste policies.

16. Third parties have raised other concerns including loss of views; physical impact on neighbouring land; opportunities for neighbour disputes over parking arrangements; concerns regarding the ownership and maintenance of communal areas within the development; and questions regarding the use of a management company. Whilst these are noted, these considerations are not planning matters and so cannot factor into the final assessment of whether or not planning permission should be granted. Concerns regarding groundworks and the construction of the basements are noted, and these matters will be dealt with at the Building Control stage, should planning permission be granted.

Highways/parking implications

17. The two proposed dwellings would share a driveway onto Broombar Lane. The egress onto the public highway would be the same as that used currently by the existing dwelling on site. The Highways Authority has reviewed the access arrangements, including the supporting highway information submitted by the Applicant, and confirmed that adequate visibility splays onto Broombar Lane can be achieved in either

direction within land owned by the Applicant, provided that the front boundary hedging is suitably maintained.

18. It is noted that a number of third party representations consider the Applicant's submitted transport information to be inaccurate. These concerns have been put to the Highways Authority who have provided revised comments and responded to these concerns. The latest Highways comments have been copied into the earlier section of this report and are also available on the Council's website. In response to the concerns raised by neighbours in respect of the amended plans and transport surveys undertaken by the Applicant, the Highways Authority maintains that the development would have an acceptable impact on the highway and that adequate space will be retained within the site to allow for the parking and manoeuvring of all vehicles, including the six spaces required in order to meet the Council's parking standards (set out in paragraph 19). The Highways Officer has confirmed that, having assessed the speed survey in detail, it was found that deviation between the mean speeds was low and therefore there is insufficient evidence to question the robustness of the speed survey. In addition, as is shown on a diagram included within the Highways comments available on the Council's website, adequate and suitable visibility splays can be entirely provided within land owned by the Applicant. With respect of the parking arrangements, the Highways Authority has confirmed that there is space within the site for six vehicles to park and manoeuvre adequately. Whilst it is accepted that the site layout may result in vehicles associated with the same dwelling being moved to allow for another to egress, this is not uncommon with respect to new residential developments and the Highway Authority state that they would not be able to sustain a reason for refusal on this, should the application go to appeal. Accordingly, having taking into account the latest third party letters and concerns raised by neighbours, the Highways Authority maintain that the proposed development would have an acceptable impact on the highway, and no objections are raised, subject to the inclusion of conditions relating to the provision of parking space within the site; the securing of adequate visibility splays; and the submission of a Construction Traffic Management Plan. These conditions are considered essential to minimise danger, obstruction and inconvenience to users of the adjoining highway and to protect the amenities of residents.

19. With regards to parking, Broombar Lane is a narrow road with no footpaths and given its substandard width, there is no capacity to accommodate on-street parking. As such, parking is an issue for residents and a key concern for neighbours of the development site. Local Plan Policy TR16 sets out the Council's parking standards and states that for developments exceeding 120 square metres in floor space, the parking standard is three parking spaces per dwelling. This is not a minimum standard and an assessment needs to be made regarding the location of the site and whether this number of spaces should be provided. In this case, the site is not in the most sustainable location and it is considered the parking standard should be adhered to. This development proposes a single garage for Plot 1 and a double car port for Plot 2, in addition to forecourt parking for the remainder of the vehicles on site. Space for six vehicles can be accommodated on site, within the garages/car port and on the hardstanding, and this is in accordance with the recommendations set out in the Local Plan. The Highways Authority has also confirmed that the parking spaces are to standard and are accessible, allowing vehicles to park, manoeuvre and egress in a forward gear, which have been demonstrated by tracked vehicle diagrams. The Highways Authority also state they would not support a refusal at appeal on these grounds.

20. It is noted that third party representations consider that the parking to be provided as part of the development is insufficient. These concerns are noted, however Local Plan Policy TR16 sets a standard of three spaces to be provided for dwellings of this size and so there is no policy basis for more spaces to be provided as part of the development. The Local Planning Authority could not refuse the application on the basis that future occupiers may have additional vehicles and it would be highly unreasonable for the Local Planning Authority to require additional parking over and above that set out under Policy TR16 which are, as a matter of fact, not minimum parking standards themselves.

21. A number of the representation letters have referred to the revised parking standards set out in the Draft Chiltern and South Bucks Local Plan 2036. These standards are based on bedrooms per dwelling, as

opposed to floor area. As the Draft Chiltern and South Bucks Local Plan 2036 is still under examination and has yet to be adopted, it carries limited weight and a refusal of the application on the basis that the development does not comply with un-adopted parking standards could not be substantiated at appeal. For this reason, the application is assessed against the adopted parking standards, as set out in Local Plan Policy TR16.

22. Representation letters have also raised concern in regards to overspill parking and blocked driveways as a result of visitor and contractor parking. These are civil matters that are beyond the remit of planning legislation and policy, although should planning permission be granted, a condition requiring that space for contractor parking be provided within the application site prior to commencement of works can be included to ensure that contractor vehicles can be accommodated within the site, and not overspill onto Broombar Lane, to the inconvenience of other road users. The submission of a Construction Traffic Management Plan, prior to commencement of work, will also ensure that the development, if granted, is erected in the interests of highway safety and convenience of other users.

Ecology

23. The Applicant has submitted a Bat Activity Survey Report (Elite Ecology) and a Protected Species Survey & Assessment (David Archer Associates) which consider the impact of the development on protected species. It is stated that the proposal would not have a detrimental impact on any bats and it is recommended that the submission of a scheme of biodiversity enhancements be secured by way of condition, should planning permission be granted. This will ensure that any loss of biodiversity is balanced against ecological improvements which can be secured as part of the development.

Trees and landscaping

24. Some removal of trees has already taken place on site but as these trees are not protected by Tree Preservation Orders, no consent is required for their removal. The Applicant has submitted an Arboricultural Report in respect of the other trees on site which has been reviewed by the Council's Tree and Landscaping Officer. Although there is regret for the tree loss undertaken to date and proposed as part of the development, no objection is raised to the application, provided there is adequate protection for the retained trees. This too can be secured by way of condition.

Affordable housing

25. For proposals under 5 dwellings, Policy CS8 of the Core Strategy requires a financial contribution towards off-site affordable housing to be made. However, there are now specific circumstances set out in the NPPG (National Planning Practice Guidance) where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale development, including developments of 10 units or less, which have a gross floor space of less than 1,000 square metres. As such, an affordable housing contribution is not required as part of this development.

Community Infrastructure Levy

26. The Council has recently adopted a Community Infrastructure Levy (CIL) for certain forms of development. The development is a type of development where CIL would be chargeable at a rate of £150 per sqm.

Conclusion

27. In conclusion, and on balance, it is considered that the proposal would accord with the policy requirements set out in the NPPF and the Local Plan. It is therefore recommended for permission, subject to conditions.

Working with the applicant

In accordance with Chapter 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

The Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, the Council has considered the details as submitted which were considered acceptable.

Human Rights

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

RECOMMENDATION: Conditional Permission

Subject to the following conditions:-

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

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

2 Before any construction work above ground level commences, details of the facing materials and roofing materials to be used for the external construction of the dwellings hereby permitted and any hard landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with these details.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.

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

Reason: To protect, as far as is possible, the character of the locality and the amenities of neighbouring properties.

4 Prior to occupation of the dwellings, the access, driveways and garaging to serve each dwelling shall be laid out in accordance with the approved plans. These areas shall be permanently maintained for this purpose and the garages shall at no time be converted into habitable accommodation.

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

5 The development shall not begin until provision has been made to accommodate all site operatives', visitors' and construction vehicles loading, off-loading, parking and turning within the site during the construction period in accordance with details to be submitted and agreed in writing by the Local Planning Authority.

Reason: To minimise danger and inconvenience to highway users.

6 Before any construction work above ground level commences, full details of the means of enclosure, including the hedging, to be retained or erected as part of the development including those between the individual gardens of the approved dwellings and on the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundaries shall then be erected and maintained in accordance with the plans approved by the Local Planning Authority.

Reason: To safeguard, as far as possible, the visual amenities of the locality and the amenities of the adjoining properties and approved dwellings.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in the flank elevations of the dwellings hereby approved.

Reason: To safeguard the amenities of the adjoining properties and the approved dwellings.

8 Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Class A of Part 1 of Schedule 2 to the said Order shall be erected within the application site unless planning permission is first granted by the Local Planning Authority.

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

9 The proposed first floor level window in the south flank elevation of Plot 1 shall remain obscurely glazed and non-opening.

Reason: To safeguard the amenities of the adjoining property.

10 No development shall take place until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall clearly show the trees and hedges to be retained and those to be removed, along with the positions of tree protection fencing and any other appropriate tree protection measures, such as no-dig construction. Before any other site works commence on the development hereby permitted this tree protection fencing shall be erected around all the trees and hedges to be retained in accordance with both this plan and British Standard 5837:2012. The fencing shall then be retained in these positions until the development is completed. Within these enclosed areas there shall be no construction works, no storage of materials, no fires and no excavation or changes to ground levels. These protection measures shall then be implemented in accordance with the details in the approved plan.

Reason: To ensure that the existing established trees and hedgerows within and around the site that are proposed to be retained are safeguarded during building operations, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

11 No Category A or B tree or any hedge shown to be retained on the Tree Protection Plan approved under condition 10 shall be removed, uprooted, destroyed or pruned for a period of five years from the date of implementation of the development hereby approved without the prior approval in writing of the Local Planning Authority. If any retained tree or hedge is removed, uprooted or destroyed, or dies during that period, another tree shall be planted of such size and species as shall be agreed in writing by the Local Planning Authority. Furthermore, the existing soil levels within the root protection areas of the retained trees and hedges shall not be altered.

Reason: To ensure the retention of the existing established trees and hedgerows within the site that are in sound condition and of good amenity and wildlife value, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

12 Prior to occupation of the development minimum vehicular visibility splays of 39m to the left and 49m to the right from 2.4m back from the edge of the carriageway from both sides of the existing access onto Broombar Lane shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority. The visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

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

13 Prior to the commencement of development full details of the method of disposal of the excavated soil, including any distribution of soil within the site or its removal from the site, resulting from the creation of the basement level hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall also include details of the likely number of traffic movements associated with the removal of any soil from the site. The development shall then only be implemented in accordance with the approved details.

Reason: To ensure that development is not detrimental to the character of the locality.

14 The development shall be undertaken in accordance with the measures recommended within Section 5 of the Protected Species Survey & Assessment produced by David Archer Associates (June 2019).

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and to protect species of conservation concern.

15 Prior to the commencement of development above ground level, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of landscape planting of known benefit to wildlife and provision of artificial roost features, including bird and bat boxes. Any new fencing will include holes to allow safe passage of Hedgehog.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy 24: Biodiversity of the Chiltern District Core Strategy and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

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

- i) The routing of construction vehicles
- ii) The parking of vehicles of site operatives and visitors
- iii) Loading and unloading of plant and materials
- iv) Storage of plant and materials used in constructing the development
- v) Wheel washing facilities

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

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

17 AP01 Approved Plans

INFORMATIVES

1 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 732792 for more information.

The End