



## East Buckinghamshire Area Planning Committee agenda

Date: Tuesday 17 November 2020

Time: 6.30 pm

Venue: via Video Conference

### Membership:

C Jones (Chairman), N Rose (Vice-Chairman), D Bray, J Burton, J Gladwin, P Jones, J MacBean, J Rush, M Titterington, J Waters, J Wertheim and N Southworth

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| <b>2</b> | <b>Declarations of Interest</b> |  |
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| <b>3</b> | <b>Minutes of the Previous Meeting</b> | <b>3 - 6</b> |
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To note the minutes of the meeting held on 20 October 2020.

**Applications to be determined**

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| <b>4</b> | <b>PL/20/1954/DE - Chalk Hill Farm, Chalk Lane, Hyde Heath, Buckinghamshire, HP6 5SA</b> | <b>7 - 26</b> |
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| <b>5</b> | <b>PL/20/2274/DE - Shortmead, Village Way, Little Chalfont, Amersham, Buckinghamshire, HP7 9PU</b> | <b>27 - 42</b> |
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| <b>6</b> | <b>PL/20/2359/FA - Holmer Green Senior School, Parish Piece, Holmer Green, Buckinghamshire, HP15 6SP</b> | <b>43 - 58</b> |
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| <b>7</b> | <b>Date and Time of the Next Meeting</b> |  |
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Tuesday 15 December 2020 at 6.30 p.m.

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

## Minutes

**MINUTES OF THE MEETING OF THE EAST BUCKINGHAMSHIRE AREA PLANNING COMMITTEE HELD ON TUESDAY 20 OCTOBER 2020 VIA VIDEO CONFERENCE, COMMENCING AT 6.30 PM AND CONCLUDING AT 8.20 PM**

### MEMBERS PRESENT

N Rose (Acting Chairman), D Bray, J Burton, J Gladwin, P Jones, J MacBean, J Rush, M Titterington, J Waters and J Wertheim

### Agenda Item

#### 1 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor C Jones and Councillor N Southworth.

#### 2 DECLARATIONS OF INTEREST

Councillor J MacBean declared a personal and prejudicial interest in agenda item 4, application reference PL/20/1214/VRC as a neighbour of the applicant was known to her. Councillor MacBean would leave the meeting for this item and take no part in the deliberation or subsequent vote.

Councillor D Bray declared a personal interest in agenda item 7, application reference PL/20/2008/FA as Chairman of the Chalfont St Giles Parish Council Planning Committee. Councillor Bray advised that as he had predetermined the application, he would remove himself from the committee whilst that item was discussed and speak only in his right as local ward member. Councillor Bray would take no part in the discussion of the application nor the subsequent vote.

#### 3 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 25 August 2020 were agreed as an accurate record.

#### 4 PL/20/1214/VRC - 75 LYE GREEN ROAD, CHESHAM, BUCKINGHAMSHIRE, HP5 3NB

*Note 1: Councillor J MacBean left the meeting for the duration of this item due to having declared a personal and prejudicial interest.*

Proposal: Variation of conditions 6 and 12 of planning permission PL/18/3887/FA (Erection of two detached dwellings and a car port) to allow for an alteration to the car port and the relocation of the parking spaces.

Notes:

- The Planning Officer explained to Members that a previous application had been heard by the Planning Committee at its meeting on 25 August 2020 where Members voted to grant conditional permission. However, consideration of new material information coming to light since the previous meeting and before the planning permission was issued relating to case law (Finney v Welsh Ministers [2019] EWCA Civ 1868) confirmed that the Court of Appeal had held that a Section 73 application may not be used to change the description of a planning permission. Therefore, an amended application referring to “a car port” had been referred back to the Committee for a decision.
- Amended plans had subsequently been received from the agent which revert back to a three bay car port in the new position, closer to the two new dwellings and these were subject to a new consultation period.
- One additional letter of objection had been received since the publication of the agenda referencing an opinion of leniency being given to the applicant, highlighting the Finney case law and considering that the current application conflicted a previous condition.
- As the consultation period for the amended plans was yet to expire, officers proposed to amend the recommendation from ‘conditional permission’ to ‘delegate to grant conditional permission subject to no new material considerations being raised during the remainder of the consultation period with the decision delegated to the Service Director for Planning and Environment’.
- There was no public speaking on this application as the Applicants Agent decided not to speak as there were no other public speakers.

It was proposed by P Jones, seconded by M Titterington and **resolved:**

To delegate to grant conditional permission subject to no new material considerations being raised during the remainder of the consultation period with the decision being delegated to the Service Director for Planning and Environment.

*Note 2: Councillor J MacBean returned to the meeting following the conclusion of this item.*

## **5 PL/20/1026/FA - REAR OF 82 HIGH STREET, GREAT MISSENDEN, BUCKINGHAMSHIRE**

Proposal: Erection of 2 semidetached dwellings and carports to be served by implemented access under planning permission CH/2015/1417/FA.

Notes:

- Speaking on behalf of the objectors: Ms Jennifer Bizley
- Speaking as the agent: Mr David Parker

It was proposed by J Gladwin, seconded by J Waters and **resolved:**

That the application be refused due to (1) the building causing a fundamental change to the character of that part of the conservation area by virtue of bulk and siting and would not preserve or enhance the character of the conservation area; and (2) given the siting of the new dwellings in front of the existing row of terraced dwellings on the wider site, it would appear overbearing and intrusive and would affect the outlook from these neighbouring properties.

**6 PL/20/1251/FA - LABURNHAM VILLA, 131 HIGH STREET, PRESTWOOD, BUCKINGHAMSHIRE, HP16 9EX**

Proposal: Demolition of existing property and erection of two detached dwellings with formation of vehicular access.

Notes:

- There was no public speaking on this application.
- Since publication of the agenda, an additional letter of objection had been received which raised an additional point regarding the impact the proposed development would have on the side window of the neighbouring property at 129 High Street. Officers had looked in to this and considered the impact to be acceptable.
- An additional condition was proposed to remove permitted development rights to plot 2.

It was proposed by J Waters, seconded by J MacBean and **resolved**:

That conditional permission be granted subject to the conditions and informatives as set out in the officer report with the addition of a condition to remove permitted development rights to plot 2.

**7 PL/20/2008/FA - 35A DEANWAY, CHALFONT ST GILES, BUCKINGHAMSHIRE, HP8 4JR**

*Note 3: Councillor D Bray removed himself from the committee for the duration of this item due to having considered himself as having predetermined the application. Councillor Bray would exercise his right to speak as ward member and take no part in the discussion or subsequent vote.*

Proposal: Two storey side extension, single storey side and rear extensions, addition of rear first floor window.

Notes:

- Three additional conditions were proposed during discussion. (1) To require the submission of a detailed landscaping scheme; (2) to require the implementation of the approved landscaping scheme; and (3) to remove permitted development rights to the property.
- Speaking as ward member: Councillor Des Bray
- A written public speaking statement was read out from Mrs Catherine Sedgwick, on behalf of the objectors.
- A written public speaking statement was read out from Mr Jack Clark, the applicant.

It was proposed by J Burton, seconded by J MacBean and **resolved**:

That conditional permission be granted subject to the conditions and informatives as set out in the officer report with the addition of three further conditions (1) to require the submission of a detailed landscaping scheme; (2) to require the implementation of the approved landscaping scheme; and (3) to remove permitted development rights to the property.

*Note 4: Councillor J Waters left the meeting during the discussion on this application and took no part in the vote.*

**8 DATE AND TIME OF THE NEXT MEETING**

Tuesday 17 November 2020 at 6.30 p.m.

## Report to East Buckinghamshire Area Planning Committee

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| <b>Application Number:</b> | PL/20/1954/DE  |
| <b>Proposal:</b>           | Reserved matters following outline planning permission PL/18/2502/OA (Outline planning permission for conversion of two barns to provide two dwellings (all matters reserved)) |
| <b>Site Location:</b>      | Chalk Hill Farm, Chalk Lane, Hyde Heath, Buckinghamshire, HP6 5SA  |
| <b>Applicant:</b>          | Julie Duffy  |
| <b>Case Officer:</b>       | Emma Showan  |
| <b>Ward affected:</b>      | Chiltern Ridges  |
| <b>Parish Council:</b>     | Little Missenden   |
| <b>Valid date:</b>         | 22 June 2020   |
| <b>Determination date:</b> | 26 October 2020  |
| <b>Recommendation:</b>     | Conditional Permission   |

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

- 1.1 This application proposes the conversion of two agricultural buildings to form two residential dwellings.
- 1.2 This application is submitted following the determination of application PL/18/2502/OA by the Local Planning Authority in September 2018 for outline planning permission for the conversion of the two barns to provide two dwellings (all matters reserved). This application was granted conditional permission and remains extant. This application seeks approval for the reserved matters in relation to access, appearance, landscaping, layout and scale.
- 1.3 The principle of development has already been established, therefore, the main considerations are whether the proposed dwellings would be harmful to the openness of the Green Belt, the character of the area and Chilterns Area of Outstanding Natural Beauty, and whether there would be a detrimental impact on neighbouring amenities.
- 1.4 The application was called before the Planning Committee by Councillor MacBean.

- 1.5 On assessment of the application and following a site visit, the application is recommended for conditional permission.

## **2.0 Description of Proposed Development**

- 2.1 The application concerns Chalk Hill Farm in the open Green Belt outside of Hyde Heath and within the Chilterns Area of Outstanding Natural Beauty. The site is located at the southern end of the village of Hyde Heath and is accessed off Chalk Lane. While the southern side of Chalk Lane is mostly open in character and comprises land in agricultural use, to the north of the highway there is a row of detached residential dwellings which form part of the Green Belt settlement of Hyde Heath.
- 2.2 The application site itself comprises two detached agricultural buildings associated with Chalk Hill Farm. The buildings have a flank to rear elevation with one another and are located in close proximity to the public highway. Hardstanding from the highway is provided to the two buildings. This application follows the determination of application PL/18/2502/OA by the Local Planning Authority in September 2018 for outline planning permission for the conversion of the two barns to provide two dwellings (all matters reserved). This application was granted conditional permission.
- 2.3 This current application seeks approval for the reserved matters in relation to access, appearance, landscaping, layout and scale.
- 2.4 The North Barn would accommodate an integral double garage, utility room, study, media room and open plan kitchen/living/dining room at ground level. Meanwhile five bedrooms would be provided at first floor level.
- 2.5 The South Barn would accommodate a living room, utility room, study, media room and open plan kitchen/living/dining room at ground level. Meanwhile five bedrooms and a library would be provided at first floor level. The South Barn would also be served by a detached single garage that would replace an existing building along the western flank boundary.
- 2.6 Both properties would have amenity and patio/terrace areas and would be served by an existing access onto Chalk Lane. No extensions are proposed to either building.

## **3.0 Relevant Planning History**

PL/18/2502/OA – Outline planning permission for conversion of two barns to provide two dwellings (all matters reserved)); conditional permission.

CH/1999/1518/FA – Removal of condition 4 from planning permission CH/2189/84 and variation of condition 3 of planning permission 88/1333/CH so as to allow unrestricted occupancy of the dwelling; refused permission and appeal dismissed.

CH/1998/0174/FA – Retention of agricultural building; conditional permission.

CH/1997/1104/FA – Erection of agricultural building; conditional permission (North Barn).

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

- 4.1 Little Missenden Parish Council object to this planning application.
- 4.2 Six other representations have been received objecting to this proposal. These comments are summarised in the appendix section of this report.

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

- National Planning Policy Framework (NPPF), February 2019.
- National Design Guidance, October 2019
- Core Strategy for Chiltern District - Adopted November 2011:
- Chiltern District Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011.
- Affordable Housing Supplementary Planning Document (SPD) - Adopted 21 February 2012
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule

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

Core Strategy Policies:

CS1 (The spatial strategy),

Local Plan Saved Policies:

GB2 (Development in general in the Green Belt)

- 5.1 Outline planning permission has already been granted for the conversion of these two buildings from agricultural use to residential use under application reference PL/18/2502/OA. The granting of this application established the principle of development. The permission remains extant and no so no objections are raised in respect of the principle of development.
- 5.2 Both the NPPF and Policies GB2 and GB11 of the Development Plan allow for the re-use of existing buildings provided that the new use preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 5.3 It has already been set out that the conversion of the two agricultural buildings into residential use is acceptable in principle. As part of the reserved matters

application, details of the scale and layout have been provided and it is now possible to assess whether the conversions would affect the openness of the Green Belt.

- 5.4 To this end, it is not proposed to extend either of the agricultural buildings as part of their conversion and so there would be no increase in the amount of built form on site. As part of the proposal, it is also proposed to demolish part of a timber structure along the western flank boundary and to replace it with a single garage of a smaller footprint. This would improve openness along this part of the site.
- 5.5 It is also noted that fencing of some kind would need to be erected to contain the proposed residential gardens. Fencing could be erected under Permitted Development. The submitted plan indicates the type and location of fencing within the site. It shows the retention of the existing 1.8-metre-high close boarded fencing at the north and west site boundaries as well as the erection of 1.8-metre-high close boarded fencing centrally within the site in between the two dwellings. The new proposed boundary treatments along the east and south site boundaries would be 1.2-metre-high post and rail fencing with native hedgerow planting. This new fencing is considered to be appropriate to the rural setting and of an acceptable height so as to maintain views. The erection of this type of fencing can be secured by way of a condition to ensure that where new fencing is erected at the site boundaries, it is of the post-rail type with native hedgerow planting. This will prevent the erection of additional high, close boarded fencing which would urbanise the setting.
- 5.6 Although hardstanding could have some impact on the openness of the Green Belt, it is noted that the site and area around the barns is already laid to hardstanding. It is not proposed to increase the amount of hardstanding on site, rather it is proposed to remove some of the hardstanding on site to facilitate the creation of the amenity areas. This will lead to improvements to the Green Belt setting.
- 5.7 In addition, residential gardens would need to be provided for each property. The site plan indicates that the proposed gardens would be laid out to minimise the spread of urban development and paraphernalia into the open countryside. The garden serving the North Barn would be located to the north of this property where it would be bound by the public highway to the north and the site boundary at the east flank elevation. The garden serving the South Barn would be located to the east of this barn where it would be bound by the east flank site boundary and the south rear site boundary. The garden would not stretch south beyond the flank elevation of the South Barn. The siting of the gardens is such that they can easily be contained within the site and the modest sizes are such that it is considered that the residential curtilages are not over large or intrusive to the Green Belt. Subject to the erection of adequate fencing,

which can be secured by way of condition, it is considered that the proposed curtilages are acceptable and would not result in excessive encroachment into the surrounding countryside and Green Belt.

- 5.8 Accordingly, although the curtilage of the dwellings would include amenity and parking areas which would have some impact on the openness of the Green Belt, it is considered that the harm could be mitigated by way of conditions so that the harm is minimal and so the proposal does not represent inappropriate development in the Green Belt.

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

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

Local Plan Saved Policies:

GC1 (Design of development throughout the district)

GC4 (Landscaping throughout the district)

H11 (Distance between flank elevation(s) of a proposed multi-storey dwelling and boundary of dwelling's curtilage throughout the district)

H18 (Dormer windows on dwellings throughout the district)

- 5.9 The site is within the Chilterns Area of Outstanding Natural Beauty (AONB) where, in accordance with Local Plan Policy LSQ1 and Policy CS22 of the Core Strategy, development must conserve or enhance the natural beauty of the landscape. Paragraph 172 of the NPPF also states that great weight should be given to conserving AONBs, which have the highest status of protection in relation to landscape and scenic beauty.
- 5.10 The Chilterns Buildings Design Guide states that if a barn conversion is to be successful, the building's appearance should not be radically altered and prominent roof lights should be avoided. Alterations should not domesticate the barn and any changes proposed should be sympathetic to the character of the original building and the landscape quality of the AONB.
- 5.11 The proposed development concerns the conversion of existing barns which are sited on the southern site of Chalk Hill Lane. To the north side of the highway, there is located a row of detached residential dwellings. Given the proximity of the barns to the residential dwellings, and the fact that the proposed barns are located within close proximity of the highway, it is considered that the proposed development for residential accommodation would not be out of keeping within the local setting and the converted barns would not appear isolated.
- 5.12 In terms of the appearance and design of the proposed development, it is not proposed to increase the size of either of the dwellings, whilst the proposed single garage would replace an existing low-level building that would be demolished. The single garage would be located on the same footprint of the

building to be demolished but would be smaller in size. It would be clad in timber and would have a functional appearance. No objections are raised in respect of its siting or appearance.

- 5.13 With regards to the North Barn, at present, this is a semi-open building with a functional appearance. It is partly open-sided along the south-west elevation and is characterised by timber and corrugated cladding along the elevations and a corrugated metal roof. The structural surveys submitted in association with approved application PL/18/2502/OA confirmed that the building was capable of being converted, and that its conversion would not be tantamount to the erection of a new building. Meanwhile the proposed dwelling would retain the scale and form of the existing building, maintaining the ridge and roof shape. In accordance with the advice of the Chilterns Buildings Design Guide, no rooflights are proposed. A large amount of glazing is, however, proposed, although this would take the form of large, floor-to-ceiling openings that are of a simple design. They are not considered to be overly urban or domestic in their character.
- 5.14 The South Barn would be similar in its appearance to both the original building and to the proposed North Barn. It too was considered to be capable of conversion by the structural report submitted to and approved as part of the earlier outline planning application. The existing South Barn is characterised by open sides and corrugated cladding and blocks. Similar to the North Barn, the resultant dwelling would not include rooflights but would include a considerable amount of floor-to-ceiling glazing. These openings too are considered to be functional in their appearance and in their absence of glazing bars and other urbanising features. Although it is noted that the Chilterns Buildings Design Guide advises against the use of large openings, given that the buildings to be converted are functional, metal-clad buildings that already contain large openings, it is not considered that the use of large glazing elements would be out of character with the original form of the buildings.
- 5.15 In terms of the proposed materials, the submitted plans show that the dwellings would be faced with profiled metal cladding at roof level and vertical timber cladding along the elevations. Both dwellings would have an element of grey render also, particularly as focal points above the front doors and above windows. Concerns have been raised with respect of these materials, and suggestions been made that the buildings should be erected in the 'traditional Chiltern style' to encompass black stained timber weather boarding and clay tiles. Whilst these concerns are noted, it is considered that as the original buildings are not traditional rustic barns which contain these 'Chiltern' design features, it would be more authentic to reflect the character of the existing buildings and to take visual cues from their metal-clad, functional appearance. This approach has been acceptable elsewhere in the District, where functional

agricultural buildings have been converted to reflect the appearance and material choices of the original building. In order to ensure that the colour profile and type of metal and timber cladding is appropriate, a condition can be attached to the planning permission, should it be granted, requiring that the buildings are erected in accordance with the submitted Materials Schedule. The garage door is shown to have horizontal bands, whereas it should have vertical divisions, to appear more rural and less domestic. This can be controlled by condition.

- 5.16 Finally, in order to retain the agricultural character of the site, it is considered that planning conditions preventing the extension of the buildings and erection of domestic outbuildings without prior approval of the Council are considered this necessary. This will allow for the removal of the relevant Permitted Development Rights and will ensure that the Council can control any future development on site, thus allowing for the character of the area and openness of the Green Belt to be retained.
- 5.17 Similarly, a further condition preventing the erection of outdoor lighting without prior approval by the Council will ensure that future lighting on site is not excessive and of detriment to the landscape quality of the area.

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

Local Plan Saved Policies:

GC3 (Protection of amenities throughout the district)

H12 (Private residential garden areas throughout the district)

- 5.18 Given the siting of the two buildings to be converted in relation to neighbouring properties, no objections are raised in terms of the proposal appearing overbearing or intrusive to the detriment of neighbouring amenities. The orientation and spacing of the two dwellings is also adequate to prevent inter-looking between the two properties.
- 5.19 With regard to the future occupiers of the new dwellings, there is sufficient light, outlook and outdoor amenity space. North Barn would have a garden with an area of 525 square metres and South Barn would have a garden area of 380 square metres. Both measure well over 15 metres in their longest dimension. Both gardens are of an acceptable size given the size and type of residential accommodation proposed. As such, the proposal complies with Policies GC3 and H12 of the Local Plan and no objections are raised in this regard.

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

Core Strategy Policies:

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

CS26 (Requirements of new development)

Local Plan Saved Policies:

- TR2 (Highway aspects of planning applications throughout the district)
- TR3 (Access and road layout throughout the district)
- TR11 (Provision of off-street parking for developments throughout the district)
- TR14 (Retention of existing areas of off-street vehicle parking throughout the district)
- TR15 (Design of parking areas throughout the district)
- TR16 (Parking and manoeuvring standards throughout the district)

5.20 In accordance with Policy TR16 of the Local Plan, three car parking spaces are required for each dwelling. The North Barn would be served by an integral double garage and hardstanding parking for at least two vehicles. The South Barn would be served by a detached single garage in addition to hardstanding parking for at least two vehicles. Parking in line with the standards set out in Local Plan Policy TR16 is therefore provided by the development and no objections are raised in respect of the parking provision on site.

5.21 Both properties would be served by the existing vehicular access onto Chalk Lane. The impact of the development on the highway network, in addition to the suitability of the access, has been assessed by the Highway Officer who has confirmed that the proposal is acceptable and no objections have been raised.

### **Ecology and Landscaping**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

Local Plan Saved Policies:

NC1 (Safeguarding of nature conservation interests throughout the district)

5.22 Policy GC4 of the Local Plan seeks to retain existing established trees and hedgerows in sound condition and of good amenity and wildlife value. It also encourages landscaping appropriate to the site. In this regard, the comments from the Tree Officer are noted, which raise no objection to the application. Additional planting is proposed on site, including the addition of native hedging as part of the boundary treatments. This is considered to be welcome and appropriate for the setting.

5.23 Policy CS24 of the Core Strategy states that the Council will aim to conserve and enhance biodiversity within the District. 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 Chapter 15 of the NPPF which aims to conserve and enhance biodiversity.

- 5.24 The applicant submitted a Preliminary Ecological Assessment (PEA) as part of the outline application and this was reviewed by the Council's Ecological Advisor who was satisfied that the impact of the proposed development on protected species had been given due regard. The PEA confirmed that the buildings to be demolished have negligible suitability for roosting bats and therefore there would be no impact on bat species as a result of the proposal. The site was also considered to have negligible foraging value for birds, badgers, hedgehogs and hazel dormice. No objections were raised. As part of this latest application, the Applicant has submitted details of biodiversity enhancement measures in order to achieve a net gain in biodiversity on site. The measures include the provision of two bird nesting and two bat roosting devices, alongside new native hedgerow and tree planting. Compliance with this ecological enhancement scheme can be secured by way of condition to ensure a net gain in biodiversity.
- 5.25 As part of the assessment of the previous outline application, the Strategic Environment Team reviewed the proposal and the site's previous history of agricultural use. Given that there are associated risks from landfilling, storage and use of fuels, fertilisers, pesticides and herbicides, asbestos containing materials in buildings and other activities as outlined in the Department of Environment Industry Profiles, it was recommended that a land quality condition be included on any permission.

### **Other Matters**

- 5.26 Third party representations have raised a number of concerns which will be discussed below.
- 5.27 Firstly, it is stated that there is an agricultural tie on 'Spindles Farmhouse' (to which the barns to be converted are associated). Condition 4 of planning permission reference CH/2189/84 and condition 3 of planning permission reference 88/1333/CH restricted the use of Spindles Farmhouse to only those occupied in agricultural or forestry enterprises. Planning application CH/1999/1518/FA sought to remove the agricultural occupancy conditions to allow occupation of the dwelling unencumbered by the occupancy conditions. This application was refused and an appeal dismissed, on the basis that it was considered that the Applicant had failed to satisfactorily demonstrate that there was no demand for a dwelling of this type.
- 5.28 The occupancy condition only relates to the use of the farmhouse, and not the associated land or buildings (including the buildings the subject of this application). Although the concerns of third parties that the conversion of the buildings would be contrary to this occupancy condition are noted, it is considered that Spindles Farmhouse lies outside of the current application site and nor is it proposed to make any changes/alterations to this dwelling or to remove the agricultural occupancy condition. Accordingly, Spindles Farmhouse

will continue to be subject to the agricultural occupancy condition, irrespective of the outcome of this current application. Should the occupiers of Spindles Farmhouse wish to remove the occupancy condition, a separate planning application would be required. Despite the conversion of the two buildings on site, Spindles Farmhouse would retain approximately 9 hectares of arable farm land which is considered to be sufficient to maintain an agricultural enterprise on site. The occupiers of Spindles Farmhouse are further advised that should the dwellinghouse be occupied by those not employed within an agricultural or forestry enterprise at any point, then they could be at risk of enforcement action.

- 5.29 A second concern raised by third parties relates to any machinery, animals and feed which are currently stored on site. Details have not been provided as to where these will be stored or where animals will be stabled. It is noted that details as to this are not required to be submitted as part of a planning application and their relocation is not considered to be a material planning consideration. The Applicant will have to arrange for any storage to be provided elsewhere, outside of the planning process.
- 5.30 A further concern raised is that this application is a precursor for further applications for replacement barns on site. In response, every planning application must be assessed on its own merits and any future application for agricultural buildings will be assessed at the time of submission. Future applications for agricultural buildings will need to demonstrate an appropriate agricultural need in order to be acceptable. In any event, outline permission for the conversions has already been granted in this case, so the principle is acceptable.
- 5.31 With regard to affordable housing, there are specific circumstances set out in the National Planning Practice Guidance (NPPG) where contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development. The NPPG specifically states that planning obligations should only be sought for residential developments where 5 or more homes will be provided in an AONB, or the site has an area of 0.5 hectares or more. To this end, the application proposes only two residential dwellings on a site of 0.26 hectares. The development therefore falls below the threshold for requiring an affordable housing contribution, as set out in the NPPG.
- 5.32 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. Should planning permission be granted, the Applicant will be issued a CIL liability notice.

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

- 6.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
  - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
  - c. Any other material considerations
- 6.2 As set out above it is considered that the proposed development would accord with the development plan policies and the provisions of the NPPF and as a result the application is recommended for conditional permission.

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

- 7.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

### **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 exterior of the development hereby permitted shall only be constructed in the materials specified on the plans hereby approved or in materials which shall previously have been approved in writing by the Local Planning Authority.  
Notwithstanding the appearance of the garage doors shown on the drawings, these doors shall only have vertical divisions and not horizontal bands.  
Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.

3. Prior to occupation of the development hereby approved, the proposed boundary treatments shown on plan reference 20 CHHH SP02 A PROPOSED shall be erected. The approved boundary treatments shall be retained in situ, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the residential curtilage is properly demarcated and to ensure that the boundary fencing is not replaced with a more solid means of enclosure, in order to maintain the openness of the Green Belt.
4. 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 openings, other than those expressly authorised by this permission, shall be inserted or constructed at any time in the building, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To retain the character and appearance of the agricultural buildings, to conserve the rural character of the locality and the landscape value of the AONB.
5. 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 - H of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider whether any future proposals will maintain the openness of the Green Belt and the scenic rural character of the Chilterns AONB and general character of the locality.
6. 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 2 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider whether any future proposals will maintain the openness of the Green Belt and the scenic rural character of the Chilterns AONB and general character of the locality.
7. Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990, no additional external lighting shall be installed on the site or be affixed to any structure hereby permitted without first receiving approval in writing by the Local Planning Authority.

Reason: To ensure that there is no detrimental impact upon the openness and rural character of the Green Belt.

8. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.  
Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.
9. The development shall be undertaken in accordance with the measures recommended within the Preliminary Ecological Appraisal undertaken by Smart Ecology, April 2018 and the scheme for ecological enhancements shown on approved plan reference 20 CHHH SP02 A PROPOSED.  
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 commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- i) A preliminary risk assessment which has identified:
    - o all previous uses
    - o potential contaminants associated with those uses
    - o a conceptual model of the site indicating sources, pathways and receptors
    - o potentially unacceptable risks arising from contamination at the site.
  - ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
  - iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.
- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The above must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10 which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.

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.

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

**List of approved plans:**

| <u>Received</u> | <u>Plan Reference</u>               |
|-----------------|-------------------------------------|
| 22 Jun 2020     | 20 CHHH SL01                        |
| 22 Jun 2020     | 20 CHHH NB100 PROPOSED NORTH BARN   |
| 22 Jun 2020     | 20 CHHH SB100 A PROPOSED SOUTH BARN |

22 Jun 2020 20 CHHH SB101 A SOUTH BARN OUTBUILDING  
22 Jun 2020 20 CHHH SP02 A PROPOSED

**INFORMATIVE(S)**

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.

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

### Councillor Comments

'I would like to call this application in to Committee if the officer is minded to approve it'.  
Councillor MacBean.

### Parish/Town Council Comments

'After a meeting held on the 3rd August Little Missenden Parish Council voted to object to the proposed Planning Application PL/20/1954/DE, Chalk Farm (spindles Farm) Chalk Lane, Hyde Heath, our reason for this is laid out below:

Before our full reason for objection we also want to make it clear to planning and councillors who look into the planning history that this plot of land and Farm have had several aliases over the years which makes finding past history on planning difficult, A few of the known names are: Spindles Farm, Chalk Farm and Warren farm. Back in 1997 planning was put in for two barns to be constructed, reason for this was for agricultural use with connection to the working, when permission was granted there where several conditions placed upon the property, apart from the standard in time to build and type of materials there were the following:

The building hereby permitted shall be used for agricultural purpose in connection with the agricultural holding of which the application site a part only, and for no other purpose at all at any time.

Also Spindles Farm is part of the smallholding and was granted on appeal, but the Inspector did place an agricultural tie across the consent to ensure the property could not be used for Private residential purposes.

It is clear the barns are still being used for agricultural purposes with the storage of machinery, feed, and Horses/livestock, which is in daily use, this has also been agreed in the D&A Statement. It has not been made clear where the livestock/Horses, machinery and feeds will go once the barns are converted, so it can only be assumed the barns are still used.

Taking into account the above major condition placed on the barns when permission was first granted in 1997, and that they are still used regularly and there has been no other storage suggested it is clear these barns are still required for agricultural use and therefore must remain as so.

The surrounding land is agricultural, Green Belt and within the AONB and must remain so, there needs to be a written condition stating no agricultural land can be used for barns, play areas, gardens or any building of any type.

The ecological report is of no standing and must be done by an independent ecologist to give a far and frank view on the inhabitants within the barn and surrounding area, as per Hillingdon verses HS2 court case.

Concerning the proposed barns design, the vast glass sections do not blend in with the surrounding landscape and any existing buildings, they will cause light pollution across the valley, and will be in fitting with the existing landscape, the nearest barn/stables are two fields down Chalk Lane and another recent barn conversion Weedon Hill, Hyde Heath, have all used Black timber Cladding with standard sized Oak framed windows and clay tiled roofs to be in keeping within the area and the surrounding countryside, and which is a tradition in the Chiltern Area.

LMPC see it that the planning officer and/or Committee should be minded in placing the following conditions on the development:

- 1./ a full structural survey is undertake to confirmed how much demolition is required of Barn no.2 to make it habitable, it may be that the barn is in fact not safe and will require too much work to stabilize and such be reclassified as a redevelopment which is then outside of this planning.
- 2./ Under the planning and later appeal of 1997 the Barns and surrounding land is to remain as agricultural land, No further fields shall be used for building, Barns, Gardens, Roads, or any other construction.
- 3./ Also due to the already set agricultural tie the barns are to be used for Agricultural or Forestry workers and are to be off affordable buildings as set out in the Chiltern Plan.
- 4./ Parking, drives and amenity areas including play are to remain in the existing footprint of the barns, no other land is to be used for barns, parking, Garage/Storage, or gardens/play areas.
- 5./ an independent ecological survey is done of the barns and surrounding area.
- 6./ before any further permissions are given a soil and ground survey is to be undertaken.
- 7./ The new barns are to be constructed (if allowed) with black timber cladding, average glassing, and clay tiled roofs to match in within the existing area and Chilterns valley.
- 8./ As the existing area is still under an Agricultural tie then the new barns are to be off affordable properties and with ties to Forestry/Agricultural workers only.'

### **Consultation Responses**

**Building Control Officer:** 'Access for the Fire Service to comply with Approved Document B.'

**Highway Officer:** 'This application is for planning consent in relation to all matters, following application PL/18/2502/OA, to which the Highway Authority had no objections subject to conditions.'

The applicant has submitted the proposed parking layout, detailing four on-site 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 Planning Officer will consider the level of parking proposed, I can confirm that the spaces are of adequate dimensions and would allow for vehicles to park clear of the highway.

Mindful of the above, I do not have any objections to this proposal.'

**SuDS Officer:** 'No comments.'

**Tree Officer:** 'The woodland to the west of the application site is protected by Tree Preservation Order No 15 of 1998. The outbuilding to the west of the South Barn adjacent to the woodland is shown to be removed and replaced with a smaller garage. Most of the land adjacent to woodland currently consists of concrete slab hardstanding. The application proposes driveways with a permeable surface along much of this boundary.

There is an existing hedgerow along the front boundary. This appears to have been planted and maintained as a hornbeam hedge for many years but in recent years it has been allowed to grow up into a hedgerow about 10m in height. The proposal uses the existing access and the front hedge does not appear to be affected by the proposal.

There are no substantial trees within the site.

The Proposed Site Plan shows the planting of some trees and native hedgerows, which would be useful additions.

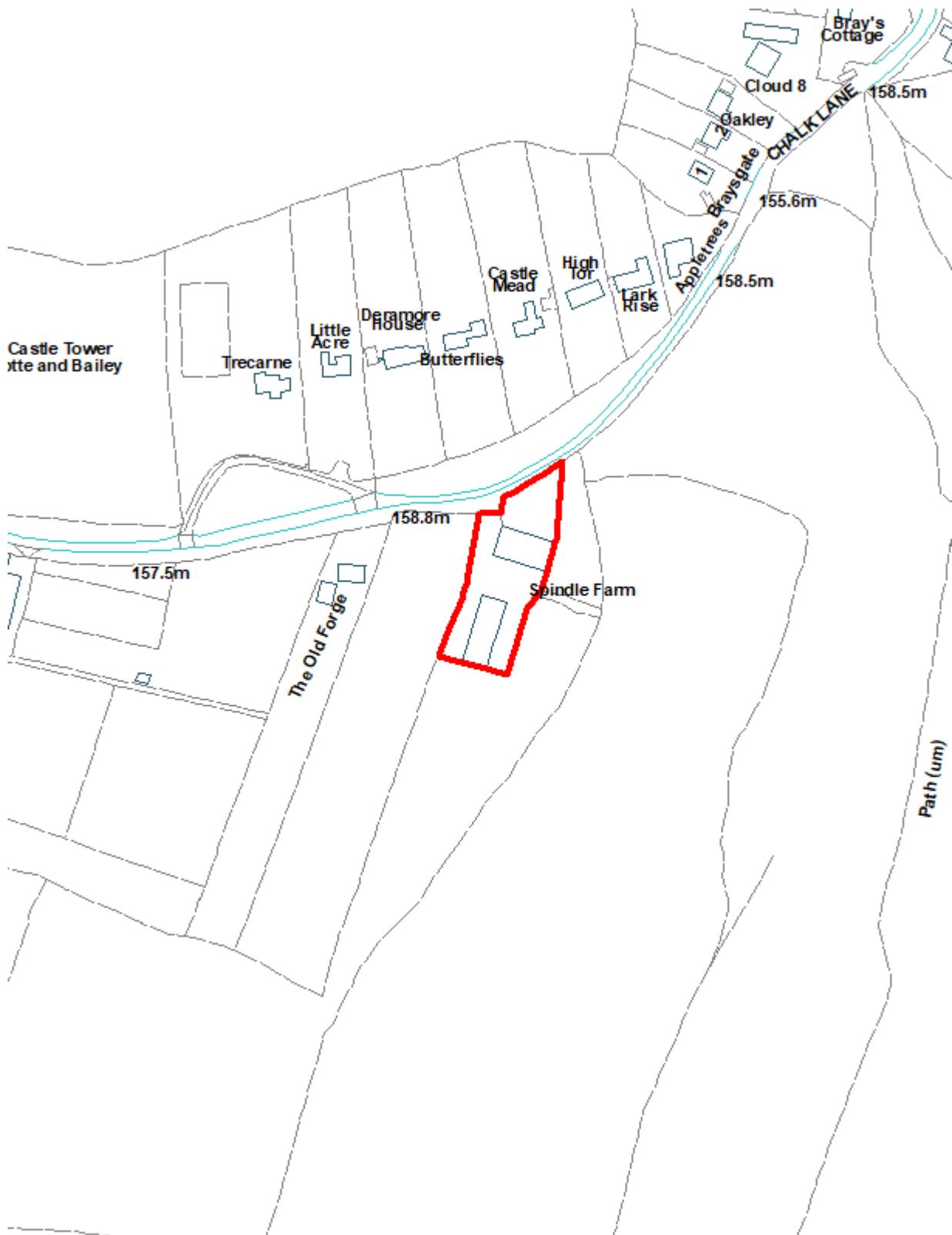
I have no objections to the application.'

### **Representations**

Six letters of objection received which can be summarised as follows:

- Site is located in an Area of Outstanding Natural Beauty
- The barns were granted planning permission on the basis that they were required for agricultural use
- The associated farmhouse is subject to a condition stating that it can only be occupied by an agricultural worker
- Concern regarding what will happen to the existing contents of the buildings
- Increase in congestion on narrow lane
- Concern that further replacement barns will be erected
- Agricultural land will be used as garden land
- Design is not in keeping
- Materials are an eyesore
- Buildings are extremely visible in the landscape
- Independent ecology surveys have not been undertaken
- No extension of garden land should be allowed
- No further development on site should be allowed

**APPENDIX B: Site Location Plan**



Do not scale – this map is indicative only

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## Report to East Buckinghamshire Area Planning Committee

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|                            |  |
|----------------------------|--|
| <b>Application Number:</b> | PL/20/2274/DE  |
| <b>Proposal:</b>           | Reserved matters following outline planning permission PL/19/1995/OA (Outline planning permission for demolition of dwelling and erection of 2 detached dwellings with formation of additional vehicular access) |
| <b>Site Location:</b>      | Shortmead, Village Way, Little Chalfont, Amersham, Buckinghamshire, HP7 9PU  |
| <b>Applicant:</b>          | Chartridge Developments  |
| <b>Case Officer:</b>       | Emma Showan  |
| <b>Ward affected:</b>      | Little Chalfont & Amersham Common  |
| <b>Parish Council:</b>     | Little Chalfont  |
| <b>Valid date:</b>         | 16 July 2020   |
| <b>Determination date:</b> | 28.09.2020   |
| <b>Recommendation:</b>     | Conditional Permission   |

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

- 1.1 This application proposes the demolition of the existing dwelling and its replacement with two, two-storey detached residential dwellings and the creation of a new vehicular access.
- 1.2 The application is submitted further to outline planning permission (PL/19/1995/OA) which was granted in December 2019 with all matters reserved. This latest application seeks approval for reserved matters in relation to layout, scale, appearance, access and landscaping.
- 1.3 The principle of development has already been established, therefore, the main considerations are whether the proposed dwellings would be harmful to the character of the area and whether there would be a detrimental impact on neighbouring amenities.
- 1.4 The application was called before the Planning Committee by Councillor Bray who has concerns that the proposal will appear overbearing.
- 1.5 On assessment of the application and following a site visit, the application is recommended for conditional permission.

## **2.0 Description of Proposed Development**

- 2.1 The application site is located on the northern side of Village Way in the built-up area of Little Chalfont. Village Way is a residential road characterised by detached residential dwellings along both sides; dwellings are predominantly two storeys and are set back from the highway. There is a mixed character across property types, including a mix of building materials and styles. Whilst some dwellings fall within close proximity to their flank boundaries, others are sited centrally within spacious surroundings. All properties are set back from the highway with large front gardens containing parking areas. At the front boundaries, the majority of dwellings have hedging.
- 2.2 The application site itself is characterised by a three storey detached dwelling that is located centrally within its plot. It has an east-to-west clipped gable roof, white render at the first and second floors and bricks at single storey level. To the west flank elevation, there is a detached single garage. There is a large front garden and stepped garden to the rear. The plot size is considerably larger than those that are adjacent, and in comparison to others along Village Way.
- 2.3 Outline planning permission was granted in December 2019 under application reference PL/19/1995/OA for the demolition of the dwelling on site and its replacement with two detached, two-storey dwellings. This permission remains extant.
- 2.4 The application proposes the demolition of the existing dwelling and its replacement with two, two-storey detached residential dwellings and the creation of a new vehicular access.
- 2.5 Outline planning permission (PL/19/1995/OA) was granted in December 2019 with all matters reserved. This latest application seeks approval for reserved matters in relation to layout, scale, appearance, access and landscaping.
- 2.6 Proposed Dwelling One would have a maximum width of 11.5 metres, depth of 17.5 metres and pitched roof height of 8 metres, with an eaves height of 4.4 metres. It would accommodate four bedrooms and an integral single garage.
- 2.7 Proposed Dwelling Two would have a maximum width of 11.5 metres, depth of 17.3 metres and pitched roof height of 8 metres, with an eaves height of 5 metres. It would accommodate four bedrooms and an integral single garage.
- 2.8 The two dwellings will differ in their appearances. Dwelling One would be characterised by a projecting gable end and pitched roof dormers. It would be faced with stock bricks and stained timber boarding with herringbone and rendered finish between. Dwelling Two would be characterised by a projecting gable end and stock facing bricks and plain roof tiles. Both properties would be served by private vehicular accesses onto Village Way. Plot One would utilise the existing vehicular access, whilst Plot Two would be served by a new vehicular

access. Both dwellings would benefit from hardstanding to the front for vehicular parking; front and rear gardens; and hedging to the front boundary.

- 2.9 The plans described above are amendments to the original plans that were submitted. On assessment of the original plans, it was considered that the dwellings were overly bulky and their matching appearance would be out of character with the pattern of development along Village Way. This resulted in the submission of amended plans which are now under consideration (and which have been described above).

### **3.0 Relevant Planning History**

- 3.1 Relevant planning history for the site:

PL/19/1995/OA - Outline planning permission for demolition of dwelling and erection of 2 detached dwellings with formation of additional vehicular access; conditional permission.

### **4.0 Summary of Representations**

- 4.1 Little Chalfont Parish Council object to the application on the grounds that they consider the proposed dwellings to be obtrusive and visually intrusive on the neighbouring properties.
- 4.2 Twelve letters of objection have been received in respect of the amended plans. These are summarised in the appendix section of this report.

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

- National Planning Policy Framework (NPPF), February 2019.
- National Design Guidance, October 2019
- Core Strategy for Chiltern District - Adopted November 2011:
- Chiltern District Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011.
- Affordable Housing Supplementary Planning Document (SPD) - Adopted 21 February 2012
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule

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

Core Strategy Policies:

CS1 (The spatial strategy),

CS2 (Amount and distribution of residential development 2006-2026),

Local Plan Saved Policies:

H3 (Provision of new dwellings in the built-up areas excluded from the Green Belt (other than in accordance with Policies H2, H4 & H7)),

- 5.1 Outline planning permission has already been granted for the demolition of the existing dwelling and erection of two detached dwellings in its place under application reference PL/19/1995/OA. The granting of this application established the principle of development. The permission remains extant and no so no objections are raised in respect of the principle of development. It is noted that the previous application was submitted with all matters reserved, and therefore details of the scale, appearance, layout, access and landscaping were not approved and are to be considered under this application for reserved matters.

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

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

Local Plan Saved Policies:

GC1 (Design of development throughout the district)

GC4 (Landscaping throughout the district)

H11 (Distance between flank elevation(s) of a proposed multi-storey dwelling and boundary of dwelling's curtilage throughout the district)

H18 (Dormer windows on dwellings throughout the district)

- 5.2 The application site is located along Village Way, which is a private residential road located in the built-up area of Little Chalfont. The road is circular, with dwellings fronting the highway along both the 'inner' and 'outer' rings. The area is part of a "Green Suburban Road" character typology, identified in the Chiltern and South Bucks Townscape Character Study (2017). In these areas, one of the identified characteristics is that the houses are generally two storeys, arranged parallel to the roads with slightly staggered building lines, with a strong landscape character and boundary hedgerows. The dwellings along Village Road display these characteristics, and are predominantly set back from the road with spacious front and rear gardens and with areas of off road parking. They are all varied in their appearance, providing a mixed character to the area, although properties are predominantly two storey detached buildings. A number of properties have been redeveloped and extended. The application site itself is currently characterised by a three storey detached house which is sited centrally within its plot and which has a separate, detached, single bay garage sited at the west elevation. A single access is taken from Village Road. The dwelling has a ridge height which exceeds that of both adjacent neighbours and a plot size which is larger than that of other properties along this part of Village Way.
- 5.3 The principle of subdividing the application site and erected two dwellings in place of the existing dwelling has already been accepted under approved application reference PL/19/1995/OA. To be determined now are the layout,

scale and appearance of the two dwellings, together with access and landscaping.

- 5.4 In terms of layout, the proposed dwellings would be sited so that they overlap the footprint of the dwelling to be demolished. They would be staggered in their siting, which accords with the guidance in the Townscape Character Study, so that they fill in the gap between the existing adjacent neighbours at Claremont and Dalzell. This ensures that the build line along this part of Village Way is satisfactorily maintained and the proposed dwellings do not appear prominent in relation to the neighbours in respect of their siting. Also in relation to siting, it is noted that the west flank elevation of Plot 1 would be sited on the same line as the west flank elevation of the existing garage to be demolished. Approximately 2 metres would be retained between the west flank elevation of Dwelling 1 and the boundary with the adjacent property at Claremont, and approximately 5.5 metres would separate the two properties. To the other side, the east flank elevation of Dwelling 2 would maintain a distance of approximately 2.2 metres to the common boundary with Dalzell and approximately 3 metres would separate the two properties. Approximately 2.5 metres would separate the flank wall of Dwelling 1 from the flank wall of Dwelling 2. These values are considered to be sufficient to prevent visual coalescence between the dwellings in this row. There would also be compliance with Development Plan Policy H11 which requires that a minimum of 1 metre is maintained between flank elevations of multi-storey dwellings. It is further noted that other properties along Village Way are sited very close to their flank boundaries, and so it is not considered that the proposed dwellings would be sited in such a manner as to be out of character with the pattern of development along Village Way.
- 5.5 The two proposed dwellings are to be laid out so that they are sited alongside one another and sit in the space neatly between the existing properties at Claremont and Dalzell. It has already been noted that Claremont is set back from the highway by some way, and the two proposed dwellings would be sited so that they have a staggered relationship between Claremont and Dalzell. This is considered to be an appropriate arrangement. The two dwellings would also be laid out so that they are orientated to face onto Village Way, in accordance with the prevailing local character, with parking to the front and private gardens to the rear.
- 5.6 The two dwellings would be detached and two storeys. They would have a lower ridge height than the dwelling to be demolished and the heights too have been reduced during the course of this application, following initial Officer concerns. This is shown on the amended plans. The proposed ridge heights would be 8 metres tall and comparable to the ridge height of the adjacent neighbour at Dalzell. It is noted that other dwellings along Village Way are taller, such as

Blackfriars which has a height of 8.4 metres (and which is located within the 'inner' ring of Village Way) and Lavenders which has a height of 9 metres (and which is located on the 'outer' ring of Village Way). Both of these properties exceed the height of their adjacent neighbours. It is therefore considered that the proposed height of the dwellings is acceptable and it also accords with the design principles set out in the Townscape Character Study for this area. Also in terms of scale, assessment is required in terms of the depth and bulk of the proposed dwellings. It is noted that the two dwelling would be deep, however this must be compared to the depths of other properties in the locality. In this respect, the proposed depth of the dwellings would be comparable to the depth of the west flank wall at the adjacent neighbour Dalzell and the dwellings would not be considerably deeper than those at other plots, namely the dwellings at Ginger Hall, Milton, Appledore and Takahe, which are all located on the 'inner' ring. These dwellings are all squarer as opposed to rectangular in their plan form, as is proposed for the dwellings on the development site.

- 5.7 The dwellings too would have modest eaves heights, 4.4 metres on Plot 1 and 5 metres on Plot 2, which would further reduce their scale and bulk. Plot 1 would be characterised by pitched roof dormers in the front elevation which would accommodate the first floor accommodation and both dwellings would have hipped roofs which would take bulk away from the edges of the site. It is accepted that the majority of third party representations consider the two proposed dwellings to be overly large and overbearing, however, given the plot sizes and dimensions of the proposed dwellings, it is considered that both would be comparable to other properties along Village Way, including those along the 'inner' ring. The two dwellings would not be considerably larger than their neighbours or other properties in the immediate vicinity.
- 5.8 In terms of appearance, the two dwellings would differ in terms of their appearance, which helps create variety in the street scene. Although both would be of a similar layout and footprint, their external appearances would differ which is in keeping with the character of Village Way, where dwellings are all varied in appearance. This mixed character along Village Way means that the two dwellings would be in keeping by virtue of their differences. Nonetheless, the appearance of both dwellings would be traditional and would utilise traditional materials such as facing bricks, stained timber boarding with herringbone pattern and plain roof tiles. Further details of the materials can be secured by way of condition, should planning permission be granted.
- 5.9 Overall, it is considered that the type, siting, layout, scale and appearance of the two proposed dwellings would be in keeping with the character of the area and the size and siting of other properties within Village Way.

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

Local Plan Saved Policies:

GC3 (Protection of amenities throughout the district)

H12 (Private residential garden areas throughout the district)

- 5.10 Proposed Dwelling One would share a flank boundary with the existing neighbour at Claremont. Claremont is set to the rear of its plot so that the front garden area is considerably larger than the amenity space provided to the rear. It is set centrally within the plot with an attached garage which extends to the rear along the common boundary with Plot One. Proposed Dwelling One would be sited entirely forward of Claremont so that it is sited on the footprint of the existing dwelling to be demolished, albeit it would extend closer to the common boundary. Approximately 2 metres would be retained between the west flank elevation of Dwelling 1 and the boundary with Claremont, and approximately 5.5 metres would separate the two properties. The flank elevation of Dwelling One would also mirror the placing of the flank wall of the existing garage to be demolished. The eaves height would be a modest 4.4 metres and the hipped roof and use of dormers would reduce the bulk of the proposal and step it away from the common boundary. It is considered that this is adequate separation and the design is such that although the proposed dwelling would be visible from Claremont, it would not appear overbearing. Flank-to-flank elevations are expected in the built-up area. It is noted that Claremont has two first floor flank windows which would face towards the proposed dwelling, however these windows are secondary windows. In addition, as the projection of Dwelling One would be forward of Claremont, the rear amenity/garden area of this property would not be detrimentally affected by the proposal. No first floor windows are proposed in the west elevation adjacent to Claremont and this can be secured by way of condition. For the reasons set out above, it is considered that the proposed dwelling not have an unacceptable impact on the amenities of the occupiers of Claremont.
- 5.11 To the other side, Dwelling Two would have a flank-to-flank relationship with Dalzell. The two elevations will be roughly in line so that the proposed dwelling does not project further forward (with the exception of the projecting gable end at the west elevation which is approximately 9.5 metres from Dalzell) or further rearward than the western projection at Dalzell. In addition, the east flank elevation of Dwelling 2 would maintain a distance of approximately 2.2 metres to the common boundary with Dalzell and approximately 3 metres would separate the two properties. This will ensure that the proposed dwelling does not appear overbearing when viewed from Dalzell. In addition, no windows are proposed at first floor level in the flank elevation facing Dalzell. This can be secured by way of condition and will prevent intrusion into the neighbouring property.

- 5.12 Other properties are considered to be located at a sufficient distance away so as to not experience a detrimental loss of neighbouring amenity.
- 5.13 Local Plan Policy H12 relates to private residential garden areas throughout the District. It states that throughout the District, each new house should have a private 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. Dwelling One would have a rear garden with a depth of 15 metres and Dwelling Two would have a rear garden with a depth of 17 metres. Both dwellings would therefore meet the standard set out in Local Plan Policy H12 and would have gardens comparable in size to those at other properties along Village Way.
- 5.14 The site benefits from existing waste collection routes and the Council's Waste Officer has confirmed that collections will take place at the kerbside. Space has been allocated within the site for both dwellings to store their waste and recycling receptacles.

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

Core Strategy Policies:

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

CS26 (Requirements of new development)

Local Plan Saved Policies:

TR2 (Highway aspects of planning applications throughout the district)

TR3 (Access and road layout throughout the district)

TR11 (Provision of off-street parking for developments throughout the district)

TR14 (Retention of existing areas of off-street vehicle parking throughout the district)

TR15 (Design of parking areas throughout the district)

TR16 (Parking and manoeuvring standards throughout the district)

- 5.15 Local Plan Policy TR11 relates to the provision of off-street parking for developments throughout the District. It states that the Council will require vehicle parking and manoeuvring provision to be made as part of any development in accordance with the Standards in Policy TR16. The provision should be made within the application site.
- 5.16 Local Plan Policy TR16 sets out the parking and manoeuvring standards throughout the District. It states that for dwellings where the gross floor area of the dwelling minus the garage area exceeds 120 square metres, three car parking spaces per dwelling should be provided.
- 5.17 In this instance, it is proposed to provide three parking spaces per dwelling. These would be laid out on areas of hardstanding and within the integral garages provided for each unit. This would ensure compliance with the standards set out in Local Plan Policy TR16. A condition preventing the future conversion of the integral garages would ensure that they are maintained for the parking of

vehicles. The amount of parking is therefore considered appropriate given the quantum of development proposed.

- 5.18 In terms of access arrangements, Dwelling One would be served by the existing access serving Shortmead whilst Dwelling Two would be served by a new access onto Village Way. This arrangement has been assessed by the Highway Authority who has raised no objection to the proposed development. It is noted that other properties on Village Way have similar access arrangements.

### **Ecology and Landscaping**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

Local Plan Saved Policies:

NC1 (Safeguarding of nature conservation interests throughout the district)

- 5.19 The submitted site plan indicates the retention of trees within the site and retention/provision of hedging along the front and side boundaries. These are all in keeping with the character of Village Way and the provision of landscaping in accordance with this plan can be secured by way of condition, should planning permission be granted. Protection for the trees to be retained can also be secured by way of condition.
- 5.20 As part of the outline application, the Applicant submitted an ecology survey and follow up bat emergence and exit surveys. The surveys were undertaken in August 2019 and remain valid for the consideration of this application. They confirmed that no bats were found to be roosting in either the main dwelling or its garage to be demolished. No objections are therefore raised and a net gain in biodiversity on site can be achieved through the inclusion of conditions requiring the provision of bat and bird boxes.

### **Affordable Housing and Housing Mix**

Core Strategy Policies:

CS8 (Affordable housing policy)

- 5.21 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 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 the size proposed under this application. No affordable housing contribution is therefore required in this instance.

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

- 6.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
  - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
  - c. Any other material considerations
- 6.2 As set out above it is considered that the proposed development would accord with the development plan policies and the provisions of the NPPF and as a result the application is recommended for conditional permission.

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

- 7.1 In accordance with paragraph 38 of the NPPF (2019) the Council approach decision-taking in a positive and creative way, taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.

### **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 commences above ground level, a schedule of materials to be used for the external construction of the development hereby permitted shall be made available to and approved in writing by the Local Planning Authority. The development shall be erected in accordance with the materials approved in writing by the Local Planning Authority.  
Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.

3. The development hereby approved shall be erected in accordance with the levels and proposed slab and finished floor levels shown on plan reference 1346/P/1B (site plan) submitted to the Council on 25 September 2020. Thereafter the development shall not be constructed other than as approved, unless alternative details have first been agreed in writing by the Local Planning Authority.

Reason: To protect, as far as is possible, the character of the locality and the amenities of neighbouring properties.
4. The development hereby approved shall be erected in accordance with the landscaping details shown on plan reference 1346/P/1B (site plan) submitted to the Council on 25 September 2020. Thereafter, the landscaping shall be provided as approved, unless alternative details have first been agreed in writing by the Local Planning Authority. The approved landscaping plan shall be implemented prior to occupation of the development.

Reason: In order to conserve and enhance the character of the locality.
5. Before any other site works commence on the development hereby permitted, tree protection fencing shall be erected around all the trees and hedges to be retained in accordance with 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.
6. The development hereby approved shall be erected in accordance with the siting and type of boundary treatments shown on plan reference 1346/P/1B (site plan) submitted to the Council on 25 September 2020. Thereafter the boundaries shall not be erected other than as approved, unless alternative details have first been agreed in writing 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. 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.

8. 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.

9. Prior to occupation of the development hereby approved, the new means of access have been sited and laid out in accordance with the approved drawing and constructed in accordance with the Buckinghamshire Council guide note "Private Vehicular Access within the Public Highway".

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

10. 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 or B 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.

11. The development shall be undertaken in accordance with the measures recommended within the Preliminary Ecological Appraisal and Emergence and Activity Bat Survey produced by Cherryfield Ecology (August 2019, September 2019).

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

12. Prior to occupation of the development hereby approved, a scheme of ecological enhancements shall be submitted to and approved in writing 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 hedgehogs. The scheme shall be implemented as approved by the Local Planning Authority.

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.

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

**List of approved plans:**

| <b><u>Received</u></b> | <b><u>Plan Reference</u></b>         |
|------------------------|--------------------------------------|
| 20 Oct 2020            | 1346-P-4 VILLAGE WAY LOCATION PLAN   |
| 25 Sep 2020            | AMENDED 1346-P-1B - LOCATION, SITE   |
| 25 Sep 2020            | AMENDED 1346-P-3B -PLOT 2 ELEVATIONS |
| 25 Sep 2020            | AMENDED 1346-P2B - PLOT 1 ELEVATIONS |

**INFORMATIVE(S)**

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.

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

### **Councillor Comments**

'I wish to call this application into committee if the officer is minded to approve'. Cllr. Des Bray

### **Parish Council Comments**

'Little Chalfont Parish Council objects to this application.

The Parish Council does not object to the principle of two houses on this plot but does object to the bulk and height of the proposed dwellings. The houses will have ridge heights greater than those either side. The present house (to be demolished) has a high apex but the slope of the roof makes it visually acceptable. The bulk of the new houses will be much more noticeable. The houses would be obtrusive and visually intrusive on the neighbouring properties.

One of the attractions of Village Way is that the design of dwellings is very varied. The two proposed houses are mirror images of each other and would spoil the street scene.'

### **Comments in respect of amended plans:**

'Little Chalfont Parish Council continues to object to this application although, as previously stated, we do not object to the principle of two houses on this plot. The revised plans show an improvement on the originals but, despite the reduction in height, the bulk of the houses means that they will still be obtrusive and visually intrusive on the neighbouring properties'.

### **Consultation Responses**

**Building Control Officer:** 'Access and facilities for the fire service to comply with Approved Document B'.

**Highway Officer:** 'I note the Highway Authority has provided comments for the outline application previously submitted for this site, under application no. PL/19/1995/OA, which in a response dated 4 th July 2019; the Highway Authority had no objection. Following the granting of outline permission, the applicant has submitted a full application for the demolition of existing dwelling and the erection of two dwellings with an additional vehicular access.

Village Way is a private road which joins the public highway on Chalfont Station Road. Chalfont Station Road forms part of the A404 and is subject to a 30mph speed limit.

With regards to trip generation, I consider the proposed development would generate an additional 4-6 daily vehicular movements, two-way when compared to the existing use of the site. Whilst the site is located on a private road, as the development would result in an intensification of the junction onto Chalfont Station Road, this must be assessed to ensure it is safe and suitable. Having assessed the junction, I am satisfied that adequate visibility splays can be achieved and the additional movements can therefore be safely accommodated.

Whilst I trust the Local Planning Authority will consider the level of parking proposed, I am satisfied that the spaces proposed are of adequate dimensions and would 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 and no conditions to include in this instance’.

**Waste Officer:** ‘Waste Services note the proposal for two dwellings at Shortmead. Each resident to present their containers at the property boundary adjacent to Village Way. Collection teams will not access the driveways under any circumstances. All collections to take place in accordance with Council policies’.

### **Representations**

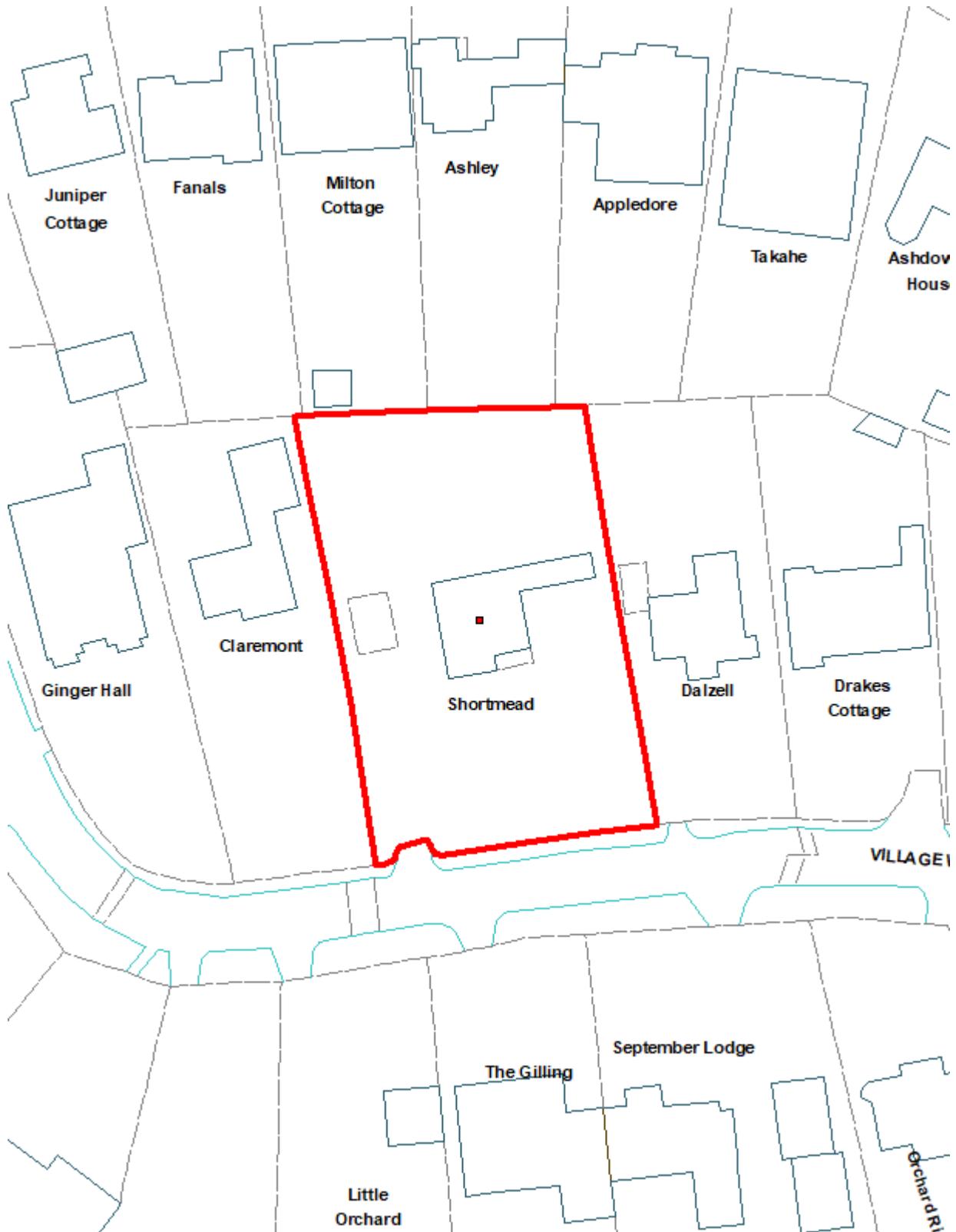
Twenty letters of objection received which have been summarised below:

- Out of character and detrimental to streetscene
- Proposed dwellings are larger than the dwelling to be demolished
- Inappropriately sized
- Ridge heights would exceed those of adjacent neighbours
- 24% increase in width and 35 increase in size over dwelling to be demolished
- Plots would be smaller than average
- Loss of daylight and sunlight to Claremont
- Dominant west flank wall of Dwelling One
- Material loss of amenity to occupiers of Claremont
- Loss of visual privacy to the side and rear
- Proposed dwellings are too close to rear boundary of site
- Having two dwellings appearing the same would reduce the rural character of Village Way
- Poor outlook in between dwellings
- Contrary to Development Plan policies
- Loss of vegetation
- Surplus of large homes in the area
- No reference to energy efficiency and modern technology
- Proposal is larger than that approved at outline stage

12 letters of objection received in respect of the amended plans:

- Little Chalfont needs more small homes
- Proposed dwellings are larger than the existing dwelling on site
- Houses remain too large and overbearing
- Houses too close to flank boundaries
- Loss of sunlight and privacy for neighbours
- Out of character
- Inappropriate development for Village Way
- Contrary to Development Plan policies
- Previous objections still stand

## APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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## Report to East Buckinghamshire Area Planning Committee

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|                            |   |
|----------------------------|---|
| <b>Application Number:</b> | PL/20/2359/FA   |
| <b>Proposal:</b>           | Installation of air dome to cover tennis courts.                                  |
| <b>Site Location:</b>      | Holmer Green Senior School, Parish Piece, Holmer Green, Buckinghamshire, HP15 6SP |
| <b>Applicant:</b>          | Holmer Green Senior School  |
| <b>Case Officer:</b>       | Melanie Beech   |
| <b>Ward affected:</b>      | Penn Wood & Old Amersham  |
| <b>Parish Council:</b>     | Little Missenden  |
| <b>Valid date:</b>         | 24 July 2020  |
| <b>Determination date:</b> | 24 November 2020  |
| <b>Recommendation:</b>     | Refuse permission and take enforcement action                                     |

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

- 1.1 This application seeks retrospective planning permission for a new air dome, which has been installed over four existing tennis courts within the grounds of Holmer Green Senior School.
- 1.2 The main factors to consider are the impact of the dome on the character of the area, the impact on the amenities of neighbouring properties (including Holmer Green Infant School) and whether any benefits of the dome outweigh any harm identified.
- 1.3 Councillor Waters called the application to Committee if the officer recommendation was to approve. However, given the level of public interest in this application, with a significant number of comments from third parties being received both in support of it and objecting to it, the officers consider that it is appropriate for the Planning Committee to determine the application, regardless of the recommendation.
- 1.4 The following report sets out the officer's assessment which identifies harm with regard to the impact of the dome on the character of the area and the amenities of neighbouring properties. Although the Council appreciates that there are

some benefits to providing indoor sports facilities, it is not considered that these benefits outweigh the harm.

- 1.5 The recommendation is therefore to refuse the application and take enforcement action to ensure the removal of the structure.

## **2.0 Description of Proposed Development**

- 2.1 Holmer Green Senior School is located on the western side of Parish Piece, within the built up area of Holmer Green village. A footpath runs along the northern edge of the site, linking Parish Piece to Watchet Lane. This footpath is part of the Senior School's leasehold and is therefore not a public right of way, but the school allow the public to use it.
- 2.2 There are two sets of existing outdoor tennis courts to the west of the Senior School. The westerly set of four courts are situated to the east of Holmer Green Infant School, and were granted planning permission on 1st May 2020 (reference PL/19/2262/FA). It is these tennis courts (also containing netball courts) which have been covered by an air dome, which is the subject of this application.
- 2.3 The land is not within any designated areas such as Green Belt or Area of Outstanding Natural Beauty (AONB).
- 2.4 The application seeks retrospective planning permission for a new air dome, installed over 4 hardcourt tennis courts. The dome measures 64.8m long by 37.4m wide, with a maximum height of 10.5m. It has a door on each elevation, and plant machinery to include a ventilation/heating unit on the southern end. The dome is made from a white PVC membrane.
- 2.5 According to the application form, the dome will provide covered space for Physical Education, as well as to provide additional indoor space for exams, breaks and lunchtimes. The additional indoor space created by the dome is also currently assisting in meeting Government guidelines on social distancing.
- 2.6 By covering the tennis courts, it is hoped to attract users from outside the school, including members from Great Missenden Tennis Club.
- 2.7 The application is accompanied by:
  - a) An application form
  - b) Location plan, site plan and elevations
  - c) Aerial views of Holmer Green Senior School
  - d) Details of dome design
  - e) Technical details of internal lighting

- f) Technical details of warm air heater
- g) Additional information from applicant responding to comments received
- h) Additional information from the applicant regarding local need.

### **3.0 Relevant Planning History**

- 3.1 The school has an extensive planning history, the most relevant to this application are set out below:

CH/2016/2293/OA - Erection of a sports facility building within the grounds of Holmer Green Senior School – Conditional Permission

PL/19/2262/FA - Hard surfaced fenced 4-court tennis area – Conditional Permission

PL/20/0055/BCC - Consultation from Buckinghamshire County Council on planning application CC/0059/19 - Demolition of a single storey building; Erection of new two storey Teaching Block, Sports Hall and Changing Facilities; Single storey extension to create Music Practice Rooms; together with internal and external refurbishments and minor works to existing buildings, landscaping and associated new parking spaces (including access from Watchet Lane) – No objections from Chiltern District Council. Application was approved by Buckinghamshire County Council.

### **4.0 Summary of Representations**

- 4.1 At the time of drafting the report, 593 comments had been received in relation to the application. 104 of these are objections, 482 are in support and 7 are neutral.
- 4.2 Little Missenden Parish Council object to the application.
- 4.3 Consultation responses have been received from the Highway Authority and the Council's Environmental Health Team.
- 4.4 A summary of these comments is set out in Appendix A.

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

- National Planning Policy Framework (NPPF), February 2019.
- National Design Guide, October 2019
- Core Strategy for Chiltern District - Adopted November 2011:

- Chiltern District Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011.

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

Core Strategy Policies:

CS27 (Working for a healthier community)

CS28 (retaining and improving leisure and recreational facilities)

Local Plan Saved Policies:

R3 (Indoor sports facilities in the built-up areas excluded from the Green Belt)

- 5.1 Section 8 of the NPPF promotes healthy and safe communities and states at paragraph 91 that planning decisions should enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, for example through the provision of (amongst other things) sports facilities. Similarly, section 16 of the Core Strategy for Chiltern District seeks to promote healthy, active and inclusive communities. Finally, Policy R3 of the Chiltern District Council Local Plan allows for the provision of indoor sports facilities within built up areas, provided other policies in the Local Plan are complied with.
- 5.2 In this case, it is important to note that the tennis/netball courts already exist and therefore the application does not seek to provide additional sports facilities, but rather to cover the existing courts with an air dome to make them more useable in wet weather. As such, the only thing that can be considered is the dome itself and the impact that it has on planning matters such as the character of the area, amenities of neighbouring properties, and the highway network.

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

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

Local Plan Saved Policies:

GC1 (Design of development throughout the district)

GC4 (Landscaping throughout the district)

- 5.3 Section 12 of the NPPF relates to achieving well-designed places and states at paragraph 124 that “the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities". Paragraph 127 states that planning decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and support local facilities and transport networks
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 5.4 This is reinforced by the National Design Guide which emphasises the importance of context. Context is one of the ten characteristics of well-designed places. The National Design Guide also lists components of good design, which includes making the right choices in relation to scale, appearance and materials.
- 5.5 Policy CS20 of the Core Strategy 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". The text preceding this policy states that new buildings must be well integrated with, and complement, neighbouring buildings and the local area in terms of scale; and development must maintain and improve local character.
- 5.6 Policy GC1 of the Local Plan relates to the design of development throughout the district and states that planning applications will be assessed having regard to matters including the scale and height of development, the siting and relationship with adjoining buildings and highways, the relationship of the development to the site, building materials, and the form of new buildings.
- 5.7 In this case, the dome is located very close to Holmer Green Infant School, which primarily consists of low rise, single storey buildings. The residential properties

to the north on Glebe Close and Stevens Close are also almost all bungalows. As such, the scale of the dome (measuring 64.8m x 37.4m with a height of 10.5m) is completely out of keeping with the scale of development in the surrounding area. Although Holmer Green Senior School includes some taller elements, the dome is set away from these buildings and has a closer relationship to the Infant School and residential properties on Glebe Close and Stevens Close.

- 5.8 In addition, the most prevalent material used in this area is brick. Therefore, the white PVC membrane creates a striking contrast to the existing character of the area.
- 5.9 Based on the scale of the building, the siting of it in relation to low rise buildings, and the materials used, it does not reflect or respect the character of the area or add to its overall quality. Given the context of the site, it appears as an alien and incongruous feature which does not relate well to the surrounding built form and appears overly prominent in the locality. Furthermore, given the material used for the dome, any internal lighting used at night has the potential to create light pollution, exacerbating the adverse impact on the character of the area.
- 5.10 Based on the above assessment, the development is contrary to Policy GC1 of the Local Plan, Policy CS20 of the Core Strategy, the NPPF and guidance contained within the National Design Guide.

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

Local Plan Saved Policies:

GC3 (Protection of amenities throughout the district)

GC7 (Noise-generating developments throughout the district)

- 5.11 Policy GC3 of the Adopted Local Plan 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.
- 5.12 Policy GC7 of the Local Plan states that noise-generating development will not be permitted where the noise levels and/or the noise characteristics which would result from that development would cause an unacceptable degree of disturbance to the occupants of any residential or other noise-sensitive development in the vicinity of the application site. Noise sensitive development includes housing and schools.

- 5.13 In this case, the dome is located less than 5m away from Holmer Green Infant School and approximately 12m to the rear gardens of no. 12 Stevens Close and nos. 21 and 22 Glebe Close. Due to the size, scale and siting of the dome, it appears very overbearing when viewed from the classrooms on the eastern side of the Infant School, their outdoor play area, and the rear gardens and southerly facing rooms of the residential properties mentioned above. Furthermore, it creates a loss of light for the users of the Infant school to an unacceptable level. In addition, due to the material used, it can create a glare into the neighbouring properties and school when the sunlight reflects off the dome.
- 5.14 With regard to noise, the comments from local residents are noted. In consultation with the Council's Environmental Health Team, the noise from using the tennis/netball courts under the dome creates an unacceptable level of disturbance for pupils and teachers at the Infant School and local residents living on Stevens Close and Glebe Close. It is noted that the tennis/netball courts already exist and can be used, but based on noise monitoring carried out by the Council's Environmental Health Team, the level of noise created when the courts are in use under the dome exceeds the accepted upper limit for indoor ambient noise levels and is intrusive when heard from the gardens of the adjacent residential properties.
- 5.15 It appears that most of the objections relating to noise are primarily concerned about the noise outside school hours. However, the Environmental Health team consider that this is already an issue during school hours and hence, it would also be an issue outside school hours as well.
- 5.16 The noise from the plant is noted but it is considered that this could be controlled by mitigation measures such as acoustic fencing, which could be secured by condition on any planning permission granted. Government advice is that planning permission should not be refused where the identified harm could be mitigated by condition. As such, the noise from the use of the dome is a reasonable reason for refusal as this is difficult to control, but the noise from the plant will not form part of the reason for refusal.
- 5.17 It is noted that some local residents have stated that there is a smell from the dome, perhaps from fumes of the plant or the material itself. The applicant has confirmed that the dome runs on electricity and therefore there are no fumes. The smell is not considered to be so significant that it warrants refusal of the application on these grounds.
- 5.18 Based on the above assessment, the development is contrary to Policies GC3 and GC7 of the Adopted Local Plan.

## **Transport matters and parking**

Core Strategy Policies:

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

CS26 (Requirements of new development)

Local Plan Saved Policies:

TR2 (Highway aspects of planning applications throughout the district)

- 5.19 Some of the comments received on this application raise concern over the additional traffic that will be generated by erecting the dome, which would make the tennis/netball courts more attractive to non-school users. This concern is acknowledged, but in consultation with the Highway Authority, it must be noted that the tennis/netball courts already exist and the dome itself, in planning terms, will not generate any additional traffic.
- 5.20 Condition 2 of the planning permission for the tennis courts (reference PL/19/2262/FA) requires a community use agreement to be submitted to the Local Planning Authority, to include details of hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. This gives the Local Planning Authority control over how the tennis courts will be used and hence, the amount of traffic generated at certain times of the day/week.
- 5.21 Based on the above assessment, it would not be reasonable to refuse the application on highway safety grounds.

## **Flooding and drainage**

Core Strategy Policy:

CS4 (Ensuring that development is sustainable)

Local Plan Saved Policy:

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

- 5.22 Some of the local residents have raised concern that the dome is exacerbating flooding issues in the area and photographs have been provided. The Sustainable Drainage Team have verbally confirmed that the rainfall over the past few months has been particularly high for this time of year and as the dome is not creating any additional hardstanding, it is unlikely to be the cause of additional flooding. As such, it would not be reasonable to refuse the application on these grounds.

## **Landscape and ecology Issues**

Core Strategy Policies:

CS24 (Biodiversity)

Local Plan Saved Policies:

GC4 (Landscaping throughout the district)

5.23 It is understood that some trees were removed to make way for the dome. As these trees were not protected by a Tree Preservation Order and the site is not within a Conservation Area, permission would not have been required to fell them and therefore the Council cannot raise objection to the application on these grounds.

5.24 Concern has been raised with regard to the impact of the development on wildlife. However, the dome does not create any additional hardstanding or involve the loss of any protected habitats. As such, no objections are raised in this regard.

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

6.1 The Council understands the difficulties for schools at the present time to provide additional space for students in order to comply with Government guidelines on social distancing due to the Covid-19 pandemic. However, Covid-19 is not unique to Holmer Green Senior School and other schools have had to find ways of using their existing space to the best of their capabilities without erecting huge domes. Furthermore, it is understood that the foundations were dug for the dome and funding/support was sought well before the extent of the pandemic was known. Although the letters of support state that this is a temporary structure, the application does not apply for a temporary period and as set out in paragraph 127 of the NPPF, the Local Planning Authority have to consider the impact of the development not just for the short term but over the lifetime of the development.

6.2 The Council also acknowledges the need to promote sport and recreation, particularly amongst young people, and recognises the benefits that the dome brings to the students of Holmer Green Senior School, and potentially to the wider community. However, this benefit needs to be balanced against the harm caused to the character of the area and the amenities of neighbouring properties. The tennis/netball courts are already in existence, providing the facilities for sport and recreation, and planning permission has recently been granted for a sports hall and changing facilities and new classrooms. As such, it is not considered that there is sufficient justification for the dome.

6.3 Although the dome brings some benefits, this does not outweigh the harm to the character of the area and the amenities of neighbouring properties. The development is contrary to Policies GC1, GC3 and GC7 of the Adopted Local Plan, Policy CS20 of the Core Strategy for Chiltern District, the NPPF and guidance contained within the National Design Guide 2019. As such, the application is recommended for the reasons set out below.

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

7.1 In accordance with Section 4 of the National Planning Policy Framework, the Council, in dealing with this application, sought solutions to the issues arising from the development proposal. However, in this case, the proposal does not accord with the Development Plan, and no material considerations are apparent to outweigh these matters. It was not considered that any changes during the course of the application would have reasonably overcome these issues, so the application is recommended for refusal on the basis of the submitted plans.

## **8.0 Further Action**

8.1 This planning application is retrospective in nature, meaning that the dome has already been installed and is in situ. Given that the recommendation is to refuse planning permission, it is also therefore recommended that enforcement action is taken to require removal of the dome.

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

### **Recommendation A: Refuse permission**

For the following reasons: -

1. By reason of the scale of the dome, the siting of it in relation to low rise buildings, and the materials used, it does not reflect or respect the character of the area or add to its overall quality. Given the context of the site, it appears as an alien and incongruous feature which does not relate well to the surrounding built form and appears overly prominent in the locality. Furthermore, given the material used for the dome, any internal lighting used at night has the potential to create light pollution, exacerbating the adverse impact on the character of the area. The development is therefore contrary to Policy GC1 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, Policy CS20 of The Core Strategy for Chiltern District, Adopted November 2011, the National Planning Policy Framework and the National Design Guide, 2019.

2. By reason of the size, scale and siting of the dome, it appears overbearing and visually intrusive when viewed from the rear amenity areas and rear windows serving the neighbouring properties on Stevens Close and Glebe Close, and Holmer Green Infant School to the west. It also creates a loss of natural light into the classrooms on the eastern elevation of Holmer Green Infant School, and can create an unacceptable glare into neighbouring properties when the sun reflects off the dome. Furthermore, the noise from using the courts under the dome creates an unacceptable level of disturbance for occupiers of the neighbouring residential dwellings and users of Holmer Green Infant School. The development is therefore harmful to the amenities of the neighbouring school and residential properties, and is contrary to Policies GC3 and GC7 of the Chiltern District Local Plan 1997 Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

**Recommendation B:** If the recommendation to refuse planning permission is agreed, it is also considered expedient for the reasons set out above to take enforcement action in respect of the unauthorised development. The Service Director of Planning and Environment is therefore recommended to authorise the issue of an Enforcement Notice requiring the following steps:

1. Disassemble and the remove the air dome from the land;
2. Disconnect and remove any associated plant and machinery;
3. Remove from the Land all debris and materials arising as a result of compliance with steps 1 and 2 above.

#### **INFORMATIVE(S)**

1. The Council notes that condition 2 of planning permission PL/19/2262/FA has not been discharged, which requires the approval of a community use agreement prepared in consultation with Sport England. Therefore, the tennis courts are being used in breach of this condition. The applicant is advised to submit the required information as soon as possible to avoid further enforcement action being taken.

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

### **Highway Authority**

“Parish Piece is an unclassified road subject to a speed restriction of 30mph. Proposals include the installation of an air dome to cover the existing tennis courts on site. The provision of an air dome will not generate any additional movements on the site. Mindful of the above, I have no objection to the proposals, and in this instance I have no conditions to suggest for inclusion on any planning consent that you may grant.”

### **Environmental Health**

“I am of the opinion that granting this planning application would have a detrimental impact on the amenity of properties nearby and may not protect residents or noise sensitive developments from noise that could cause an unacceptable degree of disturbance. Accordingly, I recommend that the Local Planning Authority refuses planning permission as regards this application.”

### **Little Missenden Parish Council**

Little Missenden Parish Council object to the application on the following grounds:

- Dome can be seen from miles away, including from Ancient Penn Woods and the surrounding AONB
- Glare affecting neighbouring properties and preventing them from using their gardens and rooms of their homes
- Noise impact on surrounding properties and Holmer Green Infant School
- Light pollution
- No consultation with Holmer Green Infant School or local residents
- Foundations for the dome were built when the tennis courts were constructed in July/August 2019, well before Covid-19 was known about
- Loss of light to Holmer Green Infant School
- Increase in traffic on a small narrow road (Parish Piece)
- Request all letters of support from parents issued by the School be ignored as it does not state that the dome has already been installed
- The aerial view submitted with the application is incorrect as it shows the original location of the tennis courts
- Dome was not mentioned in the previous application for new PE facilities
- Note the space is to be used for extra classroom and exam space, which is confusing
- Inaccuracies on application form (they have removed trees to make room for the dome, and already installed it).

### **Representations**

#### **Support (483)**

- Without the dome there are insufficient all-weather PE amenities for the winter months
- The lack of space has been exacerbated by the current Covid-19 pandemic. The dome is the only way to keep school operating within Government guidelines, especially as students have to wear PE kit all day (as changing rooms are closed) and therefore cannot go out in wet weather
- The dome supports the provision of sport and recreation

- Provides space during break and lunch time in wet weather
- The dome preserves the openness of the land as it is ultimately a temporary structure
- It has a limited effect on residential views from neighbouring properties
- The lighting for the dome is an internal, LED system that points downwards rather than diffusing around the environment
- There is a strong local and national need for indoor sports facilities
- Community benefit, creating opportunities for young people, including children from other schools
- The dome runs off electricity so does not produce dust or fumes
- Dome reduces noise transmitted by lessons due to the enclosed nature of the space
- Benefits far outweigh any harm
- The dome makes PE lessons more attractive and enjoyable, especially to girls
- Taking this facility away will leave students devastated at a time when young people have already lost so many opportunities
- Existing school buildings are far uglier than the dome
- Provides vital income for the school.

#### **Object (104)**

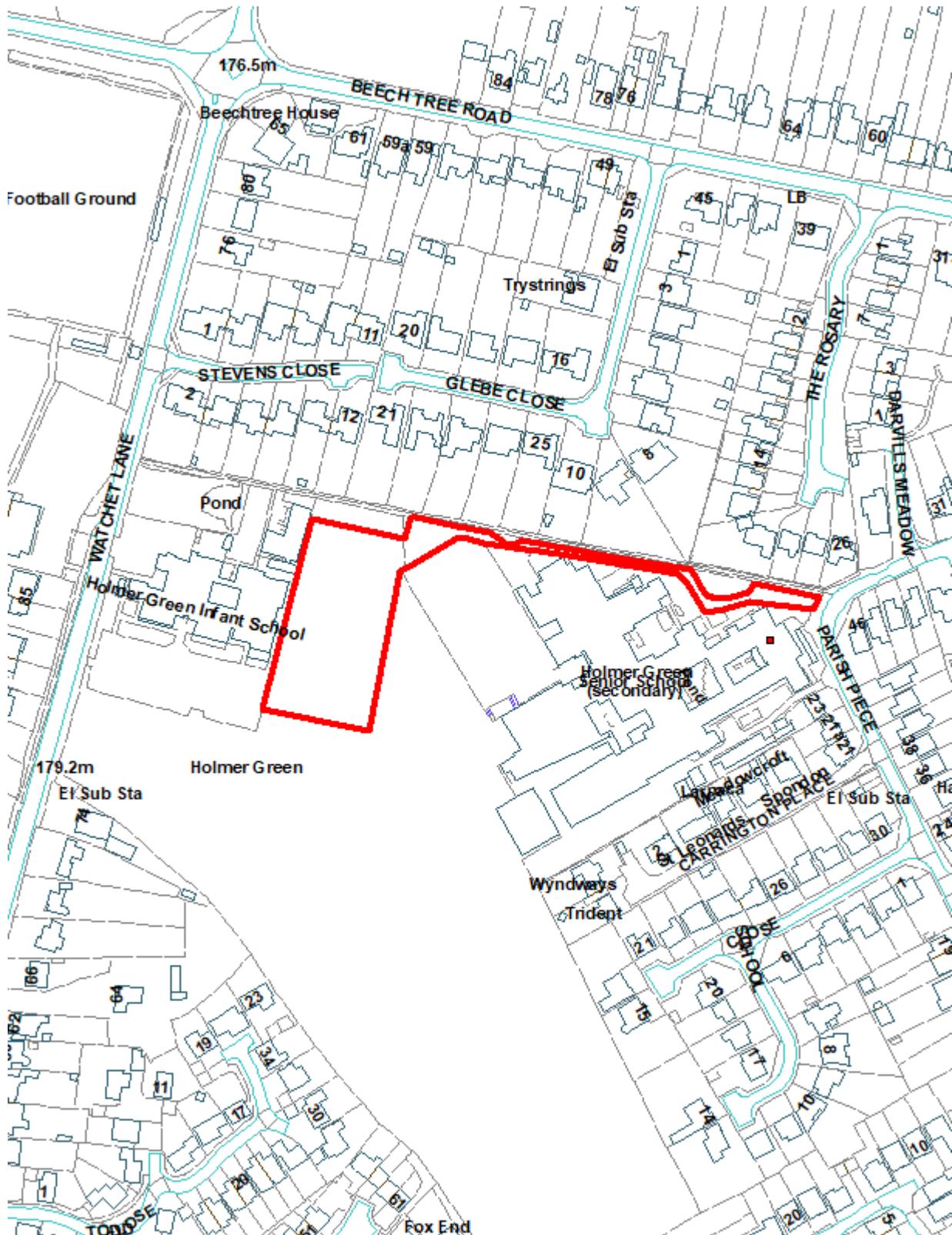
- Dome is imposing, an eyesore
- Blocks light into the Infant School/pre-school/nursery
- Overbearing on neighbouring properties
- Noise disturbance for local residents, especially outside school hours
- Noise disturbance for Holmer Green Infant School
- It is not necessary
- Illumination will impact negatively on local residents
- No consultation with Holmer Green Infant School, local residents or businesses
- Loss of area for wildlife
- Should not have been erected without planning permission (like the tennis courts)
- Increased traffic, leading to parking problems and pollution
- Glare from sunlight reflecting off the dome
- Smell of fumes from the generator/materials
- Dome is exacerbating flooding in the area
- Dome may not comply with fire regulations or building regulations
- Poor health and safety practices from contractors
- Reduction in property values
- Potential for crime between the dome and the Infant school, additional use of the footpath, and potential late night gatherings
- Insufficient information on sound and light as dome has not been operating in the evening
- No access for emergency services
- The dome has been positioned in the worst possible location
- Inaccuracies on application form
- Tennis courts are being used in breach of original permission
- Pupils as young as 11 should not have been asked to sign letters of support
- Inconsistencies in recent applications made by the school

#### **Neutral (7)**

- The dome appears to be quiet but if it is found to be noisy then it should be taken down

- Surprised the Infant School were not consulted
- Although there are benefits, it should not have been built without planning permission
- Perhaps the dome could be sited in a different location, for a temporary period.

## APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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