



East Buckinghamshire Area Planning Committee agenda

Date: Tuesday 15 December 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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| Agenda Item | Page No |
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| 1 Apologies for Absence | |
| 2 Declarations of Interest | |
| 3 Minutes of the Previous Meeting | 3 - 6 |

To agree the minutes of the meeting held on 17 November 2020 as an accurate record.

Applications to be determined

| | |
|--|----------------|
| 4 PL/19/4279/FA - Model Farm, Gorelands Lane, Chalfont St Giles, Buckinghamshire, HP8 4AB | 7 - 36 |
| 5 PL/20/3247/FA - Peterley Wood Farm Barn, Peterley Lane, Prestwood, Buckinghamshire | 37 - 54 |
| 6 Date and Time of the Next Meeting | |

The next meeting will be held on Tuesday 12th January 2021 at 6.30 p.m.

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

For further information please contact: Leslie Ashton on 01895 837227, email democracy@buckinghamshire.gov.uk.



Agenda Item 3
Buckinghamshire Council
East Buckinghamshire Area
Planning Committee

Minutes

MINUTES OF THE MEETING OF THE EAST BUCKINGHAMSHIRE AREA PLANNING COMMITTEE HELD ON TUESDAY 17 NOVEMBER 2020 VIA VIDEO CONFERENCE, COMMENCING AT 6.30 PM AND CONCLUDING AT 8.45 PM

MEMBERS PRESENT

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

Agenda Item

1 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor N Rose.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 20 October were agreed as an accurate record.

A member raised a query in relation to item 7 on the previous meeting's agenda, reporting that the developer had started work on the site and asked whether appropriate permissions had been received by the council and whether a landscaping scheme had been approved. Officers agreed to investigate and if necessary, refer the site on to the enforcement team.

4 PL/20/1954/DE - CHALK HILL FARM, CHALK LANE, HYDE HEATH, BUCKINGHAMSHIRE, HP6 5SA

Proposal: 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))

Notes:

- The planning officer advised that since the report was published, an additional letter of objection had been received from Hyde Heath Village Society which drew attention to

the earlier approval of planning permission in 1997 and a condition that the northern barn building be used for agricultural use only. The planning officer advised that national planning policy had changed in this time and outline planning permission already granted overrides that of 1997 and permits the change in use.

- The Planning Officer made a correction to the report removing condition 1 as the time limit had already been covered under the outline planning permission. The remaining conditions would be renumbered as appropriate.
- Speaking on behalf of Little Missenden Parish Council: Mrs Lynne Lusby
- Speaking on behalf of the agent: Ms Holly Ferrar-Coulson

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

To defer the application to allow for further negotiations with the agent to seek a reduction in the amount of glazing in the proposed elevations. The decision is delegated to officers for approval subject to consultation with the Chairman and local ward members, to consider if the amendments overcome the concerns or whether the application be referred back to the Committee for determination.

5 PL/20/2274/DE - SHORTMEAD, VILLAGE WAY, LITTLE CHALFONT, AMERSHAM, BUCKINGHAMSHIRE, HP7 9PU

Proposal: 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)

Notes:

- The Planning Officer made a correction to the report removing condition 1 as the time limit had already been covered under the existing outline planning permission. The remaining conditions would be renumbered as appropriate.
- A further condition was proposed to obscurely glaze the first floor windows located on the internal flanks of both plot 1 and plot 2.
- Speaking on behalf of Little Chalfont Parish Council: Mr Chris Ingham
- Speaking on behalf of the objectors: Mr Christopher Clack
- A written statement was received and read out to the committee from Mr Tom Finch, on behalf of the agent.

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

To grant conditional permission subject to the conditions and informatives set out in the officer's report, along with an additional condition that the first floor windows on the internal flanks of plot 1 and plot 2 be obscurely glazed.

6 PL/20/2359/FA - HOLMER GREEN SENIOR SCHOOL, PARISH PIECE, HOLMER GREEN, BUCKINGHAMSHIRE, HP15 6SP

Proposal: Holmer Green Senior School, Parish Piece, Holmer Green, Buckinghamshire, HP15 6SP

Notes:

- The planning officer advised that since publication of the report, comments had been received from Sport England who raised no objection to the application.
- There was one addendum to the report which was circulated to members prior to the committee and read out at the meeting. This was to add a section 9 to the officer's

report and read *'The council needs to have regard to its public sector equality duty under section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Furthermore, under section 17 of the Children Act 1989, local authorities have the general duty to safeguard and promote the welfare of children within their area who are in need and as far as is consistent with that duty including by providing a range of level of services appropriate to those children's needs. In this case being a school site, children have the potential to be affected by this decision. Due regard has been had to the council's duty under the Public Sector Equality Duty and the Children Act. The council has acknowledged in the officer's report the benefits the dome will provide including covered space for PE, additional indoor space for exams, breaks and short term benefits for social distancing. However, a balancing exercise weighing the harm arising to the public interest against the benefits above has been undertaken and it should be noted that planning law allows councils as local planning authorities to make decisions on planning applications having regard to the public interest. Furthermore, the interests of the children attending the adjacent infant school also need to be taken in to consideration and the development is considered to create a loss of light for pupils of that school to an unacceptable level. Guidance in the Government's Planning Practice Guidance provides a local authority needs to be mindful that the best interests of a particular child will not always outweigh other considerations including those that impact negatively on the environment or the wider community. The development plan sets out the policies and criteria in accordance with Government policy and advice for making decisions on planning applications. It is necessary to balance the benefits against the issues of wider public interest in respect of the significant harm identified as set out in the report. In this case it is considered that the harm to the issues of wider public interest outweigh the stated benefits of the dome. The applicant's right to a fair hearing under article 6 of the first protocol of the Human Rights Act is protected through the established appeals in general.'*

- The Planning Officer made a correction to the wording of paragraph 8.1 on page 52 of the agenda pack, amending the second sentence to read *'Given that the recommendation is to refuse planning permission, it is also recommended that it is expedient to take enforcement action to require removal of the dome for the same reasons as for the refusal of planning permission.'*
- The Planning Officer advised that for clarity the second reason for refusal outlined in the report would be split into two separate reasons. A separate reason number 3 would commence from the sentence starting *'Furthermore, the noise from using the courts...'*
- Speaking on behalf of Little Missenden Parish Council: Councillor Jane Fallon
- A written statement was received from Mr Denis Brill and read out on behalf of the objectors.
- Speaking on behalf of the applicant, Mr Ed Hillyard

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

- A. that permission be refused subject to the suggested amendment to separate the second reason for refusal as noted above; and
- B. that it is expedient for enforcement action be taken in respect of the unauthorised development for the reasons as set out in the officer's report as amended.

7 DATE AND TIME OF THE NEXT MEETING

Tuesday 15th December 2020 at 6.30 p.m.

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Report to East Buckinghamshire Area Planning Committee

| | |
|----------------------------|---|
| Application Number: | PL/19/4279/FA |
| Proposal: | Residential development at Model Farm, comprising of the conversion of existing buildings to form 20 no dwellings and the demolition of existing dwellings with the replacement erection of an apartment building comprising 18 no dwellings, alongside provision of associated car parking, private and shared amenity space. and cycle, refuse and maintenance stores. Removal of existing car service/garage |
| Site Location: | Model Farm, Gorelands Lane, Chalfont St Giles, Buckinghamshire, HP8 4AB |
| Applicant: | D Croft Transport Ltd |
| Case Officer: | Melanie Beech |
| Ward affected: | Chalfont Common |
| Parish Council: | Chalfont St Peter |
| Valid date: | 11 December 2019 |
| Determination date: | 18 December 2020 |
| Recommendation: | Defer to approve subject to a legal agreement to secure on-site affordable housing. |

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Model Farm is located to the east of Chalfont St Giles and to the north-east of Chalfont St Peter, within the open Green Belt. The site currently consists of The Shire Centre (which is rented out to various businesses), The Equine Clinic (veterinary and associated equine services), 3 residential dwellings, and a car repair centre.
- 1.2 This application seeks planning permission to convert the existing Shire Centre and Equine Clinic to 20 new dwellings, and replace the existing dwellings with a new apartment block consisting of 18 apartments.
- 1.3 The main issues to consider are the impact of the proposed development on the Green Belt, the character of the area, amenities of neighbouring and future occupiers, highway safety, and other matters such as ecology, trees and

drainage. It is also important to consider the loss of the existing uses on the site and the level of affordable housing proposed.

- 1.4 Councillor Linda Smith has called the application to Committee regardless of the officer's recommendation as she is concerned that the development will increase the density, massing and hardstanding on this large site within the Green Belt. She is also concerned that the site will be heavily car dependent.
- 1.5 Councillor Bray has called the application to Committee if the recommendation is to approve as he is concerned that the development would have an unsustainable impact on schools and doctors in the area, and traffic management will be a serious issue due to the narrow lanes.
- 1.6 The following report sets out the officer's assessment which establishes that the proposed development is not inappropriate in the Green Belt and does not have a detrimental impact on any of the matters outlined above. It is acknowledged that the site is within a remote location and will be car dependent. However, this is balanced against the benefit of providing a net gain of 35 dwellings, including 14 affordable dwellings.
- 1.7 The recommendation is therefore to grant planning permission, subject to conditions and a legal agreement to secure the affordable housing.

2.0 Description of Proposed Development

- 2.1 The application site is located to the south of Gorelands Lane, within the parish of Chalfont St Peter. It is situated to the east of the village of Chalfont St Giles, and to the north-east of the village of Chalfont St Peter. It is within the Green Belt and adjacent to the Chilterns Area of Outstanding Natural Beauty (AONB), which is to the north of the application site.
- 2.2 The site currently consists of the following elements:
 - The Shire Centre – referred to on the plans as “stables”, this was historically used as a heavy horse show and demonstration centre. This closed in 1996 and has since been let out to various businesses. A certificate of lawfulness (CH/2018/0861/EU) was granted on 6th November 2018 to establish the lawful uses of the building, which include Use Classes B1, B8 and D2 (business, storage or distribution, and a gymnasium).
 - The Equine Clinic – referred to as “manege” on the plans, is occupied by Chiltern Equine Clinic for veterinary and associated equine services (sui generis). This was established as lawful by the Certificate of Lawfulness granted on 16th January 2019 (CH/2018/0857/EU).
 - 3 residential properties.
 - A car service repair centre.

2.3 The application seeks planning permission for a residential development of 38 units, consisting of the following elements:

- Conversion of The Shire Centre to 12x two storey dwellings consisting of 6x 2 bed units, 3x 3 bed units, and 3x 4 bed units. External alterations include demolition of the central part of the roof to create an open courtyard for the new dwellings, replacing the existing roof tiles with standing seam zinc, removal of the chimneys, replacing the existing red brickwork with charcoal brickwork, and replacing the timber cladding. There are also alterations to doors and windows, including the installation of roof lights.
- Conversion of The Equine Clinic to 8 units consisting of 4x 2 bed units, 1x 3 bed unit, and 3x 4 bed units. The 2 and 3 bed units are all situated on the ground floor; the 4 bed units are split across two storeys. The existing manege will become a central amenity area for the new dwellings. External alterations include replacing the existing red brick with charcoal brick, replacing the white render with timber cladding, and replacing the red roof tiles with standing seam zinc. There are also significant alterations to the doors and windows, including the insertion of 4 roof lights in the western elevation.
- Demolition of the existing residential dwellings and replacement with an apartment building consisting of 3x 1 bed units and 15x 2 bed units. The proposed building has a 3 storey element at the northern end which is linked by a single storey element to a longer two storey element running with a north-south orientation. The proposed materials include profiled metal cladding and light grey brick for a large proportion of the building, and red brick with clay roof tiles for the tallest part of the building.
- Demolition/removal of the existing car service yard leaving space for this area to be landscaped.
- Erection of two bin stores, and a bike and maintenance store at the front of the site. Three other bin stores are provided along the eastern edge of the site.
- Provision of 83 car parking spaces. Access to the site will be from the existing westerly access point from Gorelands Lane. The other existing access onto Gorelands Lane will be stopped up.

2.4 The application is accompanied by:

- a) Application form
- b) Planning Statement

- c) Design and Access Statement, plus addendum
- d) Environmental Report: Geotechnical and Geo-environmental site investigation
- e) Preliminary Ecological Appraisal
- f) Emergence and activity bat survey
- g) Transport Statement and response to Highway Authority comments
- h) Structural Report
- i) Energy Statement
- j) Arboricultural Report
- k) Drainage Strategy
- l) Viability Assessment.

3.0 Relevant Planning History

- 3.1 CH/1986/0844/FA - change of use to agricultural and heavy horse show and demonstration centre, with ancillary general and staff parking area, picnicking area ticket office and drainage facilities – Refused but allowed on appeal.
- 3.2 CH/1997/0404/EU - the occupation of the dwelling as a separate residential unit – Certificate Granted.
- 3.3 CH/2018/0857/EU - Certificate of Lawfulness for existing use of the site by Chiltern Equine Centre for veterinary and associated equine services (sui generis) – Certificate Granted.
- 3.4 CH/2018/0861/EU - Application for certificate of lawfulness for existing use relating to Building labelled A: mixed-use B8 and B1; Building labelled B: mixed-use B8 and B1; Building labelled C: B1; Building labelled D: D2 (gymnasium); Building labelled E: B1 and B8 – Certificate Granted.

4.0 Summary of Representations

- 4.1 19 letters of objection have been received in relation to the application.
- 4.2 Chalfont St Peter Parish Council object to the application.
- 4.3 Consultation responses have been received from Thames Water, Affinity Water, the Highway Authority, Sustainable Drainage Team, Tree Officer, Landscape Officer, Environmental Health Team, Buckinghamshire Healthcare NHS Trust, Education Officer, Crime Prevention Design Adviser, Planning Policy Team, Urban Design Officer, and Waste Management 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 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),

CS3 (Amount and distribution of non-residential development 2006-2026)

Local Plan Saved Policies:

GB2 (Development in general in the Green Belt)

GB11 (Re-use of existing non-residential buildings in the Green Belt)

5.1 The application site is within the Green Belt where, in accordance with Section 13 of the National Planning Policy Framework (NPPF), most development is considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

5.2 Paragraphs 145 and 146 of the NPPF outline some exceptions to this, including the re-use of buildings provided that the buildings are of permanent and substantial construction (paragraph 146.d) and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces (paragraph 145.d). There is also provision for redeveloping previously developed land (whether redundant or in continuing use) which would not have a greater impact on the openness of the Green Belt than the existing development (paragraph 145.g).

- 5.3 In this case, it is proposed to convert The Shire Centre and The Equine Clinic and in this regard, a structural survey has been submitted with the application. This confirms that both buildings are in good condition and although some repair work will be necessary, both buildings are capable of conversion to residential.
- 5.4 Policy GB2 of the Adopted Local Plan also permits the change of use of existing permanent and substantial buildings in the Green Belt, in accordance with other relevant policies within the Local Plan. Policy GB11 relates to the re-use of existing non-residential buildings in the Green Belt for residential purposes and states that this will be permitted where the building is of permanent and substantial construction, and has a form, bulk and general design in keeping with its surroundings. In addition, the development must comply with a set of criteria, including that the building was substantially complete at least ten years prior to the date of the application; that it is structurally sound; the amount of building work required does not involve such substantial alterations or new building as to amount to major reconstruction; and there would be no materially greater impact on Green Belt openness and the purposes of including land within it.
- 5.5 Based on the structural survey referred to above and a site visit, the Council is satisfied that the buildings are of permanent and substantial construction, and have been there in excess of ten years. Furthermore, the proposed works are not considered to amount to major reconstruction and as there are no extensions proposed, there would not be a detrimental impact on the openness of the Green Belt. The conversion of The Shire Centre and The Equine Clinic is therefore considered to comply with Policies GB2 and GB11 of the Local Plan, and fall within the exception to inappropriate development listed in paragraph 146.d of the NPPF.
- 5.6 With regard to the demolition of the existing residential dwellings on the site, and their replacement with an apartment building, it is noted that the proposed building has a comparable footprint to the one it replaces. It does have a larger volume but the site must be looked at as a whole. When taking into account the demolition of the car service repair centre, which includes a number of metal buildings and a significant area of hardstanding, the proposed development would actually have a positive impact on the openness of the Green Belt.

Employment issues

Core Strategy Policies:

CS16 (Employment Land),
CS19 (Supporting the Rural Economy),

Local Plan Saved Policies:

GB22A (Business, general industrial and storage or distribution development in the Green Belt)

- 5.7 Policy CS19 of the Core Strategy seeks to support the rural economy and Policy CS16 seeks to secure the long-term retention of a portfolio of employment sites and premises within the district. Chapter 6 of the NPPF also encourages the provision of a strong, competitive economy, including supporting a prosperous rural economy (paragraph 83). It is also noted that Policy GB22A of the Local Plan seeks to protect existing sites for business, general industrial, distribution or storage in the Green Belt.
- 5.8 In this regard, the proposed development will result in the loss of a gym, a car repair business, a builders' contractors, a glazing/doors/conservatory installation company, and the Chiltern Equine Clinic. The applicant has confirmed that the builders' contractors and the glazing company are moving to alternative premises, and the Chiltern Equine Clinic operate in a number of other locations and the business will be absorbed by these. The gym is currently closed due to the Covid -19 Pandemic and is looking at alternative business practices such as personal training that do not require a fixed location.
- 5.9 Whereas Policy CS16 specifically seeks to retain employment sites outside the Green Belt, this is not the case for sites within the Green Belt. The only policy specifically relating to employment sites within the Green Belt is Policy GB22A, but this is an outdated policy that is not consistent with the NPPF. Paragraph 83(d) of the NPPF sets out certain facilities that should be retained in order to support the rural economy, but interestingly this does not include employment sites. It refers to local services and community facilities such as local shops, meeting places, sports venues, open spaces, cultural buildings, public houses and places of worship.
- 5.10 Based on the above assessment, there appears to be limited policy support to retain existing employment uses in the Green Belt and as most of the existing uses have either already vacated the site, or are relocating to other premises, this loss must be balanced against the benefit of providing 38 new dwellings, including 14 affordable units.

Raising the quality of place making and design

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

CS22 (Chilterns Area of Outstanding Natural Beauty)

Local Plan Saved Policies:

GC1 (Design of development throughout the district)

GC4 (Landscaping throughout the district)

GB30 (Conservation and Enhancement of rural landscape in parts of the Green Belt)

- 5.11 Policy GB30 of the Adopted Local Plan relates to land within the Green Belt which is not within the Area of Outstanding Natural Beauty (AONB). It states that development should be well integrated into its rural setting and so conserve the scenic beauty and amenity of the landscape in the locality. In addition, in accordance with Policy CS22 of the Core Strategy, it is important to safeguard views into and out of the AONB which is situated to the north of the application site.
- 5.12 In this regard, the removal of the car service yard is seen as a positive aspect of the scheme which will enhance the visual appearance of the area and have positive environmental impacts. With regard to the design of the development, the comments from the Urban Design Officer are noted and, overall, the proposal is considered to be of a high quality that does not detract from the character and appearance of the area. References within the design to the history of the site are particularly welcomed. Conditions are recommended to require details of the materials and finishes to be used.
- 5.13 The comments from the Crime Prevention Design Advisor are also noted which state that the plans display a good level of active surveillance around the site. Although she would welcome more formal surveillance, the Council is concerned that this could have an adverse impact on the rural character of the area. Given that the proposed design provides sufficient natural surveillance, it is not considered necessary to require a security strategy to be submitted in this instance.

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)

- 5.14 Local Plan Policy GC3 refers to the protection of amenities throughout the district. It states that the Council will seek to achieve good standards of amenity for the future occupiers of that development and to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties.

- 5.15 There are no immediate neighbours that would be affected by the proposed development in terms of overlooking or loss of light. The local resident's concerns in relation to the impact of the development on the highway network and other infrastructure such as schools and doctor's surgeries, are addressed in the following sections of this report.
- 5.16 With regard to the amenity for future occupiers of the development, each dwelling has access to some private outdoor amenity space. Given the constraints of the site, the gardens are small but this is often the case with conversions as opposed to new build developments. It is also noted that the area currently occupied by the car repair business will be landscaped, providing a large communal area for residents to use. There is also a communal garden area for the new apartment block and many of the first and second floor apartments include balconies.

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)
- TR15 (Design of parking areas throughout the district)
- TR16 (Parking and manoeuvring standards throughout the district)

- 5.17 83 car parking spaces are provided within the development, as well as 81 cycle spaces. This is an adequate number of spaces in accordance with Policy TR16 of the Adopted Local Plan. The Highway Authority has also confirmed that the spaces are of adequate dimensions and would allow for vehicles to park, manoeuvre and exit the site in a forward gear. Furthermore, based on vehicle tracking, there is sufficient space for fire appliances, delivery vehicles and refuse lorries to safely enter the site, manoeuvre and egress the site in a forward gear.
- 5.18 The Highway Authority has also confirmed that, based on a traffic survey provided by the applicant, and their own assessment, sufficient visibility splays can be provided from the existing access, that are adequate to cater for any additional vehicular movements from the site.
- 5.19 The Highway Authority raise concern over the sustainability of the site. This is addressed later in this report.

Landscape issues

Local Plan Saved Policies:

GC4 (Design of development throughout the district)

GB30 (Conservation and enhancement of rural landscape in parts of the Green Belt)

5.20 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 welcome the amended plans that show significantly greater tree retention than the original plans. The Council's Landscape Officer also raises no objection, subject to conditions to require a detailed landscaping scheme to be submitted, approved and implemented.

Ecology

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

Local Plan Saved Policies:

NC1 (Safeguarding of nature conservation interests throughout the district)

5.21 A Preliminary Ecological Appraisal identified the presence of bats within the site and further surveys were recommended. These surveys were carried out and mitigation measures have been suggested to compensate for the loss of any roosting sites. It also confirms that a European Protected Species license will be required following planning permission in order to allow the development to proceed lawfully. Provided the mitigation measures suggested in the survey are implemented, the Council is satisfied that due regard has been given to protected species, in accordance with Policies CS4 and CS24 of the Core Strategy and the provisions of the NPPF. As such, no objections are raised in this regard subject to conditions.

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 The site is not within a designated Critical Drainage Area and is located within flood zone 1, which is land with the lowest flood risk. However, it is important to consider proper drainage of the site and in this regard, a Drainage Strategy was submitted with the application. This has been reviewed by the Council's SUDs Team and based on their advice, no objections are raised to the proposed development in relation to flooding, subject to conditions requiring a surface water drainage scheme to be submitted, as well as a whole-life maintenance plan.

5.23 The comments from Thames Water and Affinity Water are also noted.

Environmental issues

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

Local Plan Saved Policies:

GC9 (Prevention of pollution throughout the district)

5.24 A Phase 1 Geotechnical and Geo-Environmental Site Investigation report was submitted with the application, which has been reviewed by the Council's Strategic Environment Team. In this regard, the Council is satisfied that this matter has been given due regard and raises no objections subject to conditions.

5.25 With regard to waste storage and collection, the Council's Waste Team have confirmed that the size and location of the bin stores are satisfactory. They have stated in their comments that collection vehicles will not enter the site. However, the waste team have been advised that there is space within the site for refuse lorries to safely enter the site, manoeuvre and egress the site in a forward gear. This has been demonstrated by vehicle tracking and confirmation from the Highway Authority. As such, no objections are raised with regard to waste collection, subject to a condition to provide the bin storage in accordance with the plans.

Building sustainability

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS5 (Encouraging renewable energy schemes)

Local Plan Saved Policy:

GC1 (Design of development throughout the district)

- 5.26 Policy CS5 of the Core Strategy requires 10% of the total energy use for the development to be from decentralised and renewable or low-carbon sources. In this regard, an Energy Statement was submitted with the application which states that this can be achieved through the use of efficient building construction materials and methods, the use of internal air source heat pumps, and the use of photovoltaic (PV) panels.
- 5.27 It is considered that these can be provided without having a detrimental impact on the character and appearance of the development or surrounding area, and as such is acceptable subject to a condition.

Affordable Housing and Housing Mix

Core Strategy Policies:

CS8 (Affordable housing policy)

CS10 (Affordable housing type)

CS11 (Affordable housing size)

- 5.28 Policy CS8 of the Core Strategy sets out that on sites which contain 15 dwellings or more, at least 40% of dwellings within the development shall be affordable. In this case, there are 35 net dwellings and therefore, in accordance with Policy CS8, at least 14 of these should be affordable. Furthermore, in accordance with Policy CS10, a minimum of 70% of these should be affordable rented and a maximum of 30% should be shared ownership. Policy CS11 specifies that where 10 – 14 affordable dwellings are proposed, one of these should be a three-bedroom unit, with the remainder being one and two bedroom units.
- 5.29 The applicant submitted a viability assessment with the application, prepared by Avison Young. This was reviewed for the Council by BPS Surveyors who concluded that a policy compliant level of affordable housing can be provided.
- 5.30 The applicant has agreed to this and therefore no objections are raised, subject to the completion of a legal agreement to secure the agreed affordable housing.

Infrastructure and Developer Contributions

Core Strategy Policies:

CS31 (Infrastructure)

- 5.31 With regard to other financial contributions, some of the comments from local residents express concern that the proposed development will put extra strain

on facilities such as schools and doctors' surgeries, particularly taking into account other housing developments which have been approved in the area.

- 5.32 In this regard, the Education Officer has confirmed that there is no requirement for an education contribution from this scheme.
- 5.33 Buckinghamshire Healthcare Trust seeks a financial contribution of £64,077 towards hospital services to fund potential patients from the proposed development. The Trust has identified that the development equates to 91 new residents. Using existing 2017/18 demographic data, they identify this will generate 29 acute interventions (excluding diagnostics and other healthcare interventions) and 68 community interventions over the first 12 months of the development.
- 5.34 As a consequence of this, and due to the payment mechanisms and constitutional and regulatory requirements the Trust is subject to, they request that the developer contributes towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of accommodation in the proposed development. Without securing such contributions, the Trust say they would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area. Therefore, the contribution requested for this proposed development is £64,077. This contribution is stated to be used directly to provide additional health care services to meet patient demand.
- 5.35 In response to the NHS Trust's request, in terms of secondary (hospital) health provision, the Bucks NHS Trust is licensed to deliver free at point of delivery services. Their request for a financial contribution towards hospital services is a material consideration and has been reviewed, as the Council would need to be satisfied that sufficient information or policy justification has been given for the need for a financial contribution. Officers are of the opinion that since the provision of health facilities is normally within the remit of the NHS, and that the current request has not satisfied the CIL regulations test, it is not considered that it would be appropriate to seek to secure contributions at this stage.
- 5.36 In addition, 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. Although this does not affect the assessment of the proposed development, the applicant should be made aware that any new planning permission may be subject to CIL.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 It is recognised that the Chiltern area of Buckinghamshire cannot currently demonstrate a 5-Year Housing Land supply and that there is a demand for housing. It is also acknowledged that this site is in a relatively remote location, situated some distance from local services and facilities. Although the applicant has stated that it is possible to walk or cycle to nearby Chalfont St Giles, Chalfont St Peter, and the train station at Chorleywood, Gorelands Lane has no footpath and the public rights of way are across fields and unlit. As such, walking or cycling is not feasible and it is highly likely that this development would be dependent on the private car.
- 6.2 Sustainable Development has three overarching objectives; an economic objective, a social objective and an environmental objective. These need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.
- 6.3 With regard to the economic objective, it is noted that the development will result in the “loss” of some employment uses. However, as outlined above, most of these uses are relocating to other premises. The redevelopment of the site for housing will also create jobs in the construction industry and bring in more people to boost the local economy by using existing local services and facilities.
- 6.4 The NPPF states that the social objective is to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. The proposed development provides a net gain of 35 new homes, including 14 affordable homes, providing a significant social benefit.
- 6.5 It is acknowledged that the development will be heavily car dependent and in that regard, does not make a positive contribution to the environmental objective. However, as outlined above, the applicant has submitted an Energy Statement with the application, setting out how the development will use low energy design as well as renewable energy technology in the form of solar PV and/or decentralised air source water heating.
- 6.6 In this instance, it is considered that the benefits of the proposed development outweigh the harm. Given that there is provision in the NPPF to redevelop previously developed land within the Green Belt, the remote location of the site is not considered to be a sufficient reason to refuse the application, which will make a positive contribution to the Council’s 5-Year Housing Land Supply.

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, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal. The Council works with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service
 - updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.
- 7.2 In this case, The Council accepted amended plans and additional information which addressed concerns that were raised in relation to the original submission.
- 7.3 The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

Recommendation: Delegate to the Director of Planning, Growth & Sustainability to approve subject to conditions and the satisfactory prior completion of a Section 106 planning obligation agreement to secure on-site affordable housing. If the Section 106 Agreement cannot be completed the application be refused for such reasons as considered appropriate.

Subject to the following conditions:-

1. The development to which this permission relates must be begun before the expiration of three years from the date of this permission.
Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.
2. Before any construction work above ground commences, details of the materials to be used for the external construction of the development hereby permitted, including the surface materials for the new access road, parking and turning areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in the approved materials.
Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality or create flooding issues, in accordance with Policies GC1, GC10 and LSQ1 of the Chiltern District Local Plan Adopted 1

September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and Policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011).

3. No development shall take place, including works of demolition, until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority, in conjunction with the Highway Authority. The CTMP shall include details of:
 - o the parking of vehicles of site operatives and visitors
 - o loading and unloading of plant and materials
 - o storage of plant and materials used in constructing the development
 - o operating hours
 - o wheel washing facilities

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

Reason: In the interests of highway safety, convenience of highway users and to protect the amenities of residents, in accordance with Policies TR2 and TR3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011 and Policies CS25 and CS26 of The Core Strategy for Chiltern District, Adopted November 2011.

4. Prior to the occupation of the development minimum vehicular visibility splays of 35m from 2.4m back from the edge of the carriageway in both directions shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority. The visibility splays shall thereafter be kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access, in accordance with Policies TR2 and TR3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011 and Policies CS25 and CS26 of The Core Strategy for Chiltern District, Adopted November 2011.

5. Prior to the occupation of the development hereby permitted, all existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user, in accordance with Policies TR2 and TR3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011 and Policies CS25 and CS26 of The Core Strategy for Chiltern District, Adopted November 2011.

6. The scheme for parking, cycle parking and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and those areas shall not thereafter be used for any other purpose.
Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway, in accordance with Policies TR2, TR3, TR11 and TR16 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011 and Policies CS25 and CS26 of The Core Strategy for Chiltern District, Adopted November 2011.

7. Prior to the commencement of the development hereby approved, (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 site investigation scheme, based on Phase 1 Geotechnical and GeoEnvironmental Site Investigation prepared by Eastwood & Partners Consulting Engineers (Report ref. 44148) 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.
- ii) The site investigation results and the detailed risk assessment (i) 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.
- iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) 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.

8. 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 written approval. The approved monitoring and maintenance programme shall be implemented in accordance with the details submitted.

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'.

9. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 7.

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.

10. No works other than demolition shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- Demonstrate compliance with water quality assessment
 - Infiltration rate testing
 - Ground investigations to ensure that there is a sufficient buffer distance between the deep borehole soakaway and any structures
 - Confirmation of pond capacity

- Full construction details of all SuDS and drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Calculations to demonstrate that the proposed drainage system does not surcharge for the 1 in 1 year storm event and can contain up to the 1 in 30 year storm event without flooding. Any onsite flooding between the 1 in 30 year and the 1 in 100 year plus climate change storm event should be safely contained on site.
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
- Flow depth
- Flow volume
- Flow direction.

Reason: The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

11. Prior to the occupation of the development a whole-life maintenance plan for the site must be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan shall also include as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.

Reason: The reason for this prior occupation condition is to ensure that arrangements have been arranged and agreed for the long term maintenance of the drainage system as required under Paragraph 165 of the NPPF.

12. No development shall take place until an Arboricultural Method Statement, which shall include a Tree Protection Plan, has been submitted to and approved in writing by the Local Planning Authority. This shall show details of all work within the root protection areas of the retained trees and hedges both within and around the site including details of protection measures for the trees and hedges during the development, and information about any excavation work, any changes in existing ground levels and any changes in surface treatments within the root protection areas of the trees and hedges, including plans and cross-sections where necessary. In particular, it shall show details of ground protection measures and no-dig construction

where appropriate. The work shall then be carried out in accordance with this method statement.

Reason: To ensure that the existing established trees and hedgerows in and around the site that are to be retained, including their roots, do not suffer significant damage during the proposed work, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

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

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

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

15. The development hereby permitted shall be undertaken in accordance with the recommendations provided within the Bat Survey Report produced by Cherryfield Ecology (August 2019).
Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and to protect species of conservation concern.
16. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of landscape planting of known benefit to wildlife and provision of artificial roost features, including bird and bat boxes.
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.
17. Prior to the occupation of the development hereby permitted, full details of the proposed boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall then be erected/constructed prior to the occupation of the dwellings hereby permitted.
Reason: To protect, as far as possible, the character of the locality and the amenities of the future occupiers of the development, in accordance with policies GC1 and GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).
18. Prior to the occupation of the development hereby permitted, the bin stores shall be implemented in accordance with the details shown on the approved plans and thereafter permanently retained for bin storage.
Reason: To ensure that the development respects the character of the area, does not appear cluttered with bins and to ensure that there is adequate bin storage for future occupiers of the development, in accordance with policies GC1, GC3 and LSQ1 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011).
19. Before any construction work above ground commences, details of the measures to provide at least 10% of the energy supply of the development secured from renewable or low-carbon energy sources, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. The renewable energy equipment shall be installed in accordance with the approved

details prior to the occupation of the dwelling(s) and shall thereafter remain operational.

Reason: To increase the proportion of energy requirements arising from the development from decentralised and renewable or low-carbon sources, in accordance with policy CS5 of the Core Strategy for Chiltern District (Adopted November 2011).

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

List of approved plans:

| <u>Received</u> | <u>Plan Reference</u> |
|------------------------|------------------------------|
| 14 Sep 2020 | 0001 Rev 05 |
| 14 Sep 2020 | 0002 Rev 05 |
| 14 Sep 2020 | 0003 Rev 05 |
| 14 Sep 2020 | 0004 Rev 05 |
| 14 Sep 2020 | 0005 Rev 05 |
| 14 Sep 2020 | 0006 Rev 05 |
| 14 Sep 2020 | 0007 Rev 05 |
| 14 Sep 2020 | 0008 Rev 05 |
| 14 Sep 2020 | 0009 Rev 05 |
| 14 Sep 2020 | 0010 Rev 05 |
| 14 Sep 2020 | 0011 Rev 05 |
| 14 Sep 2020 | 0012 Rev 05 |
| 14 Sep 2020 | 0013 Rev 05 |
| 14 Sep 2020 | 0014 Rev 05 |
| 14 Sep 2020 | 0015 Rev 05 |
| 14 Sep 2020 | 0016 Rev 05 |
| 14 Sep 2020 | 0017 Rev 05 |
| 14 Sep 2020 | 0018 Rev 05 |
| 14 Sep 2020 | 0019 Rev 05 |
| 14 Sep 2020 | 0020 Rev 05 |
| 14 Sep 2020 | 0021 Rev 05 |
| 14 Sep 2020 | 0022 Rev 05 |
| 14 Sep 2020 | 0023 Rev 05 |
| 14 Sep 2020 | 0024 Rev 05 |
| 14 Sep 2020 | 0025 Rev 05 |
| 14 Sep 2020 | 0026 Rev 05 |
| 14 Sep 2020 | 0027 Rev 05 |
| 14 Sep 2020 | 0028 Rev 05 |
| 14 Sep 2020 | 0029 Rev 05 |
| 14 Sep 2020 | 0030 Rev 05 |
| 14 Sep 2020 | 0031 Rev 05 |
| 14 Sep 2020 | 0032 Rev 05 |
| 14 Sep 2020 | 0033 Rev 05 |
| 14 Sep 2020 | 0034 Rev 05 |
| 14 Sep 2020 | 0035 Rev 05 |

| | |
|-------------|-------------|
| 14 Sep 2020 | 0036 Rev 05 |
| 14 Sep 2020 | 0037 Rev 05 |
| 14 Sep 2020 | 0038 Rev 05 |
| 18 Nov 2020 | 0039 Rev 03 |
| 18 Nov 2020 | 0040 Rev 03 |
| 18 Nov 2020 | 0041 Rev 03 |
| 18 Nov 2020 | 0042 Rev 03 |
| 18 Nov 2020 | 0043 Rev 03 |

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.
2. This planning permission is subject to a legal agreement to secure affordable housing within the site and a financial contribution towards healthcare within the area.
3. No works of site clearance, demolition or construction shall take place until a European Protected Species Mitigation Licence has been granted by Natural England.
4. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
5. The deep borehole soakaway associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted.

APPENDIX A: Consultation Responses and Representations

Parish Council Comments

“Strong Objection: Design and access statement totally incorrect not in CSG but C St Peter. on a green belt location, detrimental being dominant and intrusive to the countryside. The Houses have been excessively packed in.”

Comments on amended plans (5th May 2020):

“Strong Objection: Please see our previous objections as they have not been addressed. In addition, this is a high-density development, in green belt accessed by a narrow country lane, no footpaths / pavements. The site is isolated and has no transport links or shops, so residents will be heavily dependent on cars as Gorelands Lane is not suitable for pedestrians or cyclists. A development of this size will have significant impact on the infrastructure.”

Comments on amended plans (7th October 2020):

“Strongly object.

- 1.This is a high-density development, in green belt accessed by a narrow country lane, no footpaths / pavements. The site is isolated and has no transport links or shops, so residents will be heavily dependent on cars as Gorelands Lane is not suitable for pedestrians or cyclists. A development of this size will have significant impact on the infrastructure
- 2.Design and access statement incorrect as not in Chalfont St Giles but Chalfont St Peter. In a green belt location, detrimental, dominant and intrusive to the countryside. The houses have been excessively packed in.
- 3.The convenience store and post office referred too are due to close.
- 4.There are no bus routes or footpaths along Gorelands Lane.
- 5.The narrow roads are unsuitable for a development of this type
- 6.The quality of the build is of concern, for example in the stable block the 2 bed house with 2 sets of stairs to the bedrooms has no additional amenities such as a bathroom.

Consultation Responses

Highway Authority:

Requested further information in relation to existing trip generation from the site, any means of improving sustainable transport links, and amended plans showing the pedestrian footpath measuring at least 2m wide.

Comments on amended plans (20th April 2020):

Satisfied footpath measures 2m but request further information on existing trip generation and providing improved sustainable transport links.

Comments on amended plans (7th October 2020):

The site would be subject to an intensification in use. Based on a speed survey submitted by the applicants, visibility splays of 35m x 2.4m are required. These can be achieved in both directions.

Fire appliances, delivery vehicles and refuse lorries can safely enter the site, manoeuvre and egress the site in a forward gear.

Parking arrangements are sufficient for the proposed development.

Recommend refusal on the grounds that the site is unsustainable and has only limited access by non-car modes of travel.

SUDS Team:

No objection subject to conditions requiring a surface water drainage scheme and a whole life maintenance plan to be submitted, approved and implemented.

Tree Officer:

“A full tree survey of the site would be useful to assess the condition of the trees and which are suitable for retention, along with a more detailed assessment of the relationships between the retained trees and the proposed development. However, it appears that the proposal would not require the loss of any important trees in good condition.”

Comments on amended plans (23rd March 2020 and 1st May 2020):

“The Arboricultural Report provides useful additional information about the trees on the site and confirms that many trees could be usefully retained within the proposed development. However, it shows many trees for removal that appeared to be shown retained on the Proposed Site Plan. This seems to be largely because of the proposed parking layout. Consequently, I would like to see the parking proposals reconsidered in the light of the Arboricultural Report and adapted to allow the retention of more of the better trees. The Proposed Site Plan should then also be revised to accurately show the proposed tree retention and removal.”

Comments on amended plans (7th October 2020)

“The submission includes an amended Proposed Site Plan; a revised Arboricultural Report Rev C, including an Arboricultural Impact Assessment; and a Landscape Master Plan Rev B...overall the proposals are now significantly better and I would not object to the application provided there is adequate protection for the retained trees.”

Landscape Officer:

The landscape/planting proposals are minimal. Request further detail about proposed planting (species, sizes, numbers). High quality planting is required with native trees and hedges, to enhance the proposed development and to provide softening and screening.

Comments on amended plans (28th September 2020):

“The updated landscape/ planting proposals shown on ‘Landscape Design Rev B’ for application number PL/19/4279/FA - Model Farm, Gorelands Lane, Chalfont St Giles - are acceptable.”

Buckinghamshire Healthcare NHS Trust:

Originally requested a financial contribution of £18,227 towards the gap in funding created by each potential patient from the development.

Comments on amended plans (12th April 2020):

Request financial contribution of £64,077 towards the gap in funding created by each potential patient from the development.

Planning officer sought clarification and the NHS Trust confirmed that the original amount was incorrectly calculated using the cost for the South Bucks Area rather than the Chiltern Area. Therefore, the contribution sought is £64,077.

Environmental Health (Contaminated Land):

No objection subject to conditions.

Crime Prevention Design Adviser:

“The plans display a good level of active surveillance around the site. The submitted DAS includes a section addressing security including the provision of fob activated access controls providing compartmentation to the site, visitor entry systems providing audio and visual communication and laminated ground floor glazing. The DAS also addresses the lack of surveillance to the parking area from the dwellings with the proposal of formal surveillance to be installed to mitigate the increased risk of crime and anti-social behaviour happening in this area. I would like to commend the applicant on all of the above proposals.”

Suggest that an Access and Security Strategy is submitted to include details relating to the proposed access controls, details relating to potential postal services, and a CCTV strategy.

Urban Design Officer:

Assessed proposals against Building for Life 12 (BfL12). Main issues relate to the sites location and wider connectivity.

Comments on amended plans (7th October 2020):

Areas of clarification are still required but could be resolved via conditions.

Planning Policy:

The site is considered to fall within the definition of previously developed land. A scheme which is fully policy compliant would therefore not be inappropriate development in the Green Belt.

Chiltern and South Bucks cannot currently demonstrate a five-year supply of land. Notwithstanding that, the lack of a 5YHLS is not carte-blanche for all residential proposals to be approved to meet targets. Although the adopted housing policies are considered to be out-of-date, various court cases have established the legal position that considerable weighting can still be afforded to other policies in a development plan which are relevant to the determination of a residential planning application.

There is little within the submission to address the loss of the existing uses.

The site is in an inaccessible location, remote from local amenities.

It is stated that the site can provide 20% affordable housing, but this claim is worth further exploration.

Conclusion: "There are question marks about this site's accessibility and relationship to key facilities. Although the proposal does have its merits (reuse of a brownfield site in the green belt, helping to protect the Green Belt and AONB, and deliver housing/affordable housing), the quantum of development proposed appears excessive, therefore raising genuine sustainability concerns given the distance from public transport routes. The site is also underproviding against affordable housing requirements. Concerns about the loss of existing employment uses have also not been addressed. The issues above would need to be resolved to the Case Officer's satisfaction before Policy would support the granting of consent for this scheme."

Waste Services:

Comments on amended plans (7th October 2020):

"Waste services note the proposal at Model Farm, Gorelands Lane. We are satisfied with the location of both bin stores. Whilst it doesn't appear to be a concern, each bin store needs to be large enough to accommodate 7x 1100L Bins. The collection vehicle will not enter the site, crews will stop on Gorelands Lane, collect, empty and return all containers to their

original location on collection day. All collections will take place in accordance with council policies.”

Education Officer:

“I can confirm that there is no requirement for an education contribution on this scheme.”

Thames Water:

“With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.”

Recommends an informative in relation to Groundwater discharge.

“Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.”

Affinity Water:

“The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to West Hyde Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.”

Representations

19 letters of objection have been received in relation to the application, which are summarised below:

- Development not required
- This area has already provided a disproportionate number of sites for housing development (e.g. Newlands Park, High View, Winkers and the Epilepsy Centre).
- Continuous development will result in no differentiation between Chalfont St Peter, Chalfont St Giles and Little Chalfont

- This site is not allocated for development in the Draft Local Plan 2036 and is contrary to policy
- Local infrastructure (especially schools and doctor's surgeries) cannot support this scheme, particularly with all the other developments which have been approved locally and the construction of HS2
- Road network is poor and inadequate, and the Transport Assessment is unsatisfactory
- It is not plausible to cycle or walk to facilities from this site
- Unsustainable location precludes young families and senior citizens from living there
- More people and cars will increase carbon emissions
- Detrimental impact on the Green Belt, AONB, character of the area
- Overdevelopment of site with houses squeezed in, some with tandem parking
- Impact on local wildlife
- Increased flooding
- Loss of valuable local businesses.

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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Report to East Buckinghamshire Area Planning Committee

| | |
|----------------------------|--|
| Application Number: | PL/20/3247/FA |
| Proposal: | Conversion of existing barn to form single residential unit C3, together with alterations to fenestration, erection of detached car port structure, landscaping and hardstanding |
| Site Location: | Peterley Wood Farm Barn, Peterley Lane, Prestwood, Buckinghamshire |
| Applicant: | Ms Rosemary Hall |
| Case Officer: | Emma Showan |
| Ward affected: | Great Missenden |
| Parish Council: | Great Missenden |
| Valid date: | 30 September 2020 |
| Determination date: | 30 November 2020 |
| Recommendation: | Conditional permission |

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application proposes the conversion of an existing barn to form a single residential unit, together with alterations to the fenestration, erection of a detached car port, landscaping and hardstanding. The main issues for consideration are the impact of the conversion on the local highway network, the loss of agricultural land and concerns regarding loss of amenity.
- 1.2 The application has been called before the Planning Committee due to concerns regarding the increase in traffic, impact on the ancient woodland and loss of agricultural land.
- 1.3 Councillor Gladwin has called the application before the Planning Committee in the event the Officer's recommendation is for approval.
- 1.4 The recommendation is to grant conditional permission.

2.0 Description of Proposed Development

- 2.1 The site is located in the open Green Belt and Chilterns Area of Outstanding Natural Beauty outside of the settlement of Prestwood. It is located to the

north-west side of Peterley Lane which is a rural lane characterised by sporadic residential development and farm buildings. The highway is bordered by hedgerows. The application site itself comprises a former agricultural building which is associated with Peterley Wood Farm.

- 2.2 This application proposes the conversion of the existing barn to form a single residential unit, together with alterations to the fenestration, erection of a detached car port, landscaping and hardstanding.
- 2.3 The building to be converted has a width of 32 metres, depth of 16 metres and height of 7.2 metres, with an eaves height of 5 metres. It is not proposed to extend this structure. The building would be two storeys with four bedrooms. A semi-internal courtyard would be provided at ground floor level and a recessed balcony would be provided at first floor level off of the main bedroom. Glazing would be inserted across all sides of the building, with the north (side) elevation of the building being entirely glazed. The facing materials would vertical timber boarding above a short brick plinth (0.5 metres in height) with seamed steel roof panels.
- 2.4 The detached car port would have a width of 8 metres, depth of 5 metres and mono-pitch roof height of 2.8 metres at the highest point and 2 metres at the lowest point. The car port would be open sided with timber posts and seamed steel roof panels.
- 2.5 Access to the site would remain as existing, via an access from Peterley Lane.
- 2.6 It is noted that amended plans were submitted during the course of the application. These amended plans show the fenestration alterations; removal of all rooflights; changes to appearance of landing walk way; and amendments to the log store so that it now appears as a 'lean to'. The outline of the car port has also been added to the site plan following an inconsistency.
- 2.7 The application is accompanied by:
 - a) Planning Statement
 - b) Preliminary Ecological Assessment
 - c) Structural Report
 - d) Waste Strategy

3.0 Relevant Planning History

- 3.1 CH/2002/1288/FA – Continued use of barn for storage of building materials and for repairs to private motor vehicles and agricultural machinery; refused.
- 3.2 CH/2002/0320/EU – Certificate of Lawfulness for an Existing Use for the storage of building materials; Certificate allowed at appeal.

- 3.3 CH/2001/1248/EU – Certificate of Lawfulness for an Existing Use for the storage of building materials, servicing of agricultural vehicles and machinery and servicing and repair of private motor vehicles; Certificate refused.

4.0 Summary of Representations

- 4.1 The Parish Council oppose the application.
4.2 One letter of objection has been received.
4.3 Two letters of support have been received.

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 The site is within the open Green Belt where most development is inappropriate development and there is a general presumption against such development. Section 13 of the National Planning Policy Framework (NPPF) emphasises the importance of Green Belts and states that inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 5.2 Paragraph 145 of the NPPF outlines some exceptions to this, including the re-use of buildings provided that the building is of permanent and substantial construction and provided the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. The NPPF is not specific in stating that only buildings in a particular use can be converted. Any building that is of permanent and substantial construction could potentially be converted into a new use, provided that the new use does not conflict with the purposes of including land within the Green Belt.

- 5.3 Meanwhile, Policy GB2 of the Development Plan permits the change of use of existing permanent and substantial buildings in the Green Belt, in accordance with the other relevant Development Plan policies.
- 5.4 It is important to note that Local Plan Policy GB11 refers to the re-use of existing non-residential buildings in the Green Belt for residential use and states that this policy does not apply where the building to be converted is in business, general industrial, or storage or distribution use. This policy is referred to in the representation letter. In this instance, there has been some discussion as to the lawful use of the premises. The Parish Council state that they consider the building to not be in industrial use, contrary to the statement provided by the Applicant which states that the barn is used for industrial storage and car repairs. The Applicant's position is supported by other third party representation letters of support. Notwithstanding the current usage of the site, planning history states that the lawful use of the site is in fact Use Class B8 storage as application CH/2002/0320/EU was allowed on appeal. The lawful use of the site is therefore B8 storage, and is commensurate with the use of the building for industrial storage. Whilst car repairs may take place on site also, this is not the lawful use of the site, as defined in the planning history. Nonetheless, irrespective of the use of the building and the fact that the proposal would be contrary to Local Plan Policy GB11 which does not allow for the re-use of buildings in B8 storage use as residential dwellings, the proposal should be assessed against the provisions of the NPPF which is not specific in stating that only buildings in a particular use can be converted. As the NPPF was adopted more recently and a national level, it carries more weight than the Chiltern District Local Plan. It is therefore considered that the proposal should be assessed against the provisions of the NPPF, and not those of Policy GB11 of the Chiltern District Local Plan.
- 5.5 Based on the above, and the provisions of the NPPF, it is necessary to consider whether the building to be converted is of permanent and substantial construction and whether the works required to facilitate the conversion would amount to the construction of a new building. The proposed new use should also not conflict with the purposes of including land within the Green Belt.
- 5.6 To this end, the Applicant has submitted a structural report in support of the application. The report states that an external inspection showed no sign of any movement to the blockwork walls and/or racking of the concrete or steel structure. The roof is stated as being in good order with no leaks. The construction of the building is such that the building is constructed with mid-height concrete blocks comprising two leaves of blockwork with cavity filled with poured concrete. The outer blockwork is linked into a web of steel columns. The structure is supported by concrete and steel columns which would be retained and therefore the building is permanent and solid and capable of conversion.

- 5.7 In order to facilitate the proposed conversion, additional steel framing will be inserted to facilitate a new first floor whilst maintaining the integrity of the existing concrete and steel framing without applying additional load to the existing structural members. The intention of the conversion is to retain the principle structural members rather than the outer fabric covering. Externally, the roof will be covered with steel panels to provide insulation whilst the facing walls would be clad with timber boarding to provide insulation and weather proofing. Essentially, the barn would be stripped back to the supporting frame and would then be re-clad at roof level and at the facing elevations. The main structural elements will remain as existing. Based on the above, it is considered that the barn to be converted is of substantial construction and as the supporting structure will be retained it is capable of being converted without the works being tantamount to the construction of a new building.
- 5.8 In regards to the age of the building, the structural report does not date the building but states that it was developed over at least two phases. There are however planning records relating to the use of the building dating back to 2001 (CH/2001/1248/EU; CH/2002/0320/EU; and CH/2002/1288/FA). It is therefore clear that the building has been in situ for a period in excess of 10 years. Accordingly, the proposal is considered to be acceptable in principle, provided it does not have a greater impact on the openness of the Green Belt or conflict with the purposes of including land within it.
- 5.9 With regard to the above, the size of the barn will not increase and therefore the conversion will not in itself affect the openness of the Green Belt. The access to the building from Peterley Lane will largely remain as existing and so it is not considered to have a detrimental impact on the openness of the Green Belt either. In terms of the boundary materials, the submitted site plan indicates that the boundary treatments would be largely rural post and rail fencing which is considered to be appropriate for the rural setting and it would maintain the openness of the Green Belt. Close boarded fencing is also proposed to be erected in part; this would be along the rear boundary and for a small section at the front elevation. This would provide privacy for the occupants of the host dwelling with the post and rail fencing circling the garden area. As the close boarded fencing would be viewed in association with the dwelling and would not extend to the open areas on site, it is considered to be acceptable. Furthermore, although the curtilage of the dwelling would include an amenity area which would have some impact on the openness of the Green Belt, a garden area is to be expected with any conversion and in this case the garden area proposed is modest and it would be located in close proximity to the main dwelling. It is not considered to sprawl into areas beyond the setting of the dwelling and therefore it is considered that the harm to the Green Belt would be minimised.

- 5.10 This application also proposes the erection of an ancillary car port. This building would not replace any existing buildings on site and would constitute a new building in the Green Belt. Paragraph 145 of the NPPF specifically states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, the proposed car port structure would be open sided comprising a mono-pitched roof of seamed steel roof panels and timber posts. It would have a lean-to appearance, as opposed to that of a substantial building. Part of the existing central lean-to area of the existing barn would also be removed, to create an open courtyard, and therefore in this instance the erection of a small open car port is not considered to increase the amount of building works on the site, given the removal of part of the existing structure. The modest roof height simple materials would help to ensure that the building integrates with the main dwelling and does not appear intrusive. Furthermore, the car port would be sited adjacent to the main building and entrance to the site. Its siting is not considered to encroach into the open Green Belt or to spread built form unacceptably into the countryside. It is therefore considered to have an acceptable impact on openness, particularly as the open side nature would also allow for views into and through the structure to be retained.
- 5.11 It is not clear what the authorised use of the building is. The submitted information states that the building is currently being used as a mechanic's workshop in part for car servicing and repairs and part for the storage of materials and equipment for a landscaping business. The planning history also shows a history of unauthorised use of the building. Whilst this does not affect the principle of the conversion, it is necessary to assess whether the proposed use would have a greater impact on the openness of the Green Belt, compared with the proposed use, which is residential. In this respect, the residential use is not considered to be an intrusive use in the Green Belt and it is clear that the likely vehicular movements to and from the site would in fact be reduced.
- 5.12 Therefore, the proposal does not represent inappropriate development in the Green Belt and is acceptable in principle.

Raising the quality of place making and design

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

CS22 (Chilterns Area of Outstanding Natural Beauty)

Local Plan Saved Policies:

GC1 (Design of development throughout the district)

GC4 (Landscaping throughout the district)

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

GB30 (Conservation and enhancement of rural landscape in parts of the Green Belt)

- 5.13 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 115 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.
- 5.14 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. To this end, the building would largely retain its shape and form, although a section of roof would be removed to allow for the provision of a semi-internal courtyard. New openings would be required to allow for light into the building, and these would take the form of simple windows along all four elevations. In the north (side) elevation, the entire wall was originally proposed to be glazed, although this glazing has been reduced after negotiations with the Agent. The panel style of the windows is not considered to be overly domesticated and urban in contrast to the character of the original building.
- 5.15 It is noted that Officer concerns were raised with regards to the original appearance of the proposal. Amended plans have been received which have removed all rooflights from the scheme, in keeping with the guidance set out in the Chilterns Buildings Design Guide. The design of windows too has been simplified, alongside the rear door, so that the openings are more in keeping with the agricultural nature of the building and are less domestic and urban in their form. Concern had also been raised with respect of a glazed walkway at first floor level in the front elevation. This has been simplified so that the panels are no longer fully glazed, and for the most part, the walkway will be flanked by timber boarding to match the remainder of the dwelling. Four glazing panels will be inserted to this walkway to allow for light, but the reduction in glazing from the originally proposed scheme is considered to be more in keeping with the character of the building. In a similar vein, an overly urban-style log store had been proposed to the front of the building that was characterised by its 'up and over' garage-style door. This has been removed from the scheme, and although a log store remains as part of the proposal, it will now take the form of a small sympathetic 'lean-to' projection with an open frontage and sides. This is considered to be more rural in form.
- 5.16 The proposed conversion would contain an internal courtyard. The submitted third-party representation states that this would be out-of-keeping with the building. Whilst the internal courtyard would be unusual, it would be entirely surrounded by the barn's existing walls and would not be visible from any external views of the building. It would be provided within the footprint of the

existing building. In addition, the entrance to the building would be via a 'secret door' in the front elevation that leads into the internal courtyard. This will help to obscure views. Given the limited views of the courtyard and the fact that it would be contained within the built form of the original building, it is not considered that the provision of the internal courtyard would be harmful to the appearance of the original building.

- 5.17 The external facing materials would consist of vertical timber cladding along the facing elevations and seamed steel roofing panels. The existing building is characterised by a breezeblock plinth with corrugated steel panels and has a functional agricultural appearance. It is considered that the external facing materials proposed as part of the conversion would maintain the functional character of the original building, without making it appear too domestic, and they are therefore considered to be acceptable.

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 The applicant building forms part of Peterley Wood Farm. Although the main farmhouse is located on site, its relationship to the applicant barn is such that given the siting of the barn and the proposed placement of windows and openings, it is not considered that the proposal would have a detrimental impact on the amenities of the occupiers of the main farmhouse. In fact, the low-key impact of an additional dwelling compared to the previous commercial uses would be a benefit. Other neighbouring properties would be located at a sufficient distance away from the applicant site so as to be materially unaffected by the proposal.
- 5.19 With regard to the amenities of future occupiers of the building, the development will provide adequate light, space and outlook, and sufficient outdoor space given the amount of residential accommodation proposed to be provided. The third party representation refers to the proximity of the building to woodland which could affect residential amenity, however there is considered to be sufficient spacing. Furthermore, there is adequate space on site to provide appropriate storage for waste and recycling receptacles. The main farmhouse is located on an existing waste collection route and the proposed dwelling would benefit from similar waste collection arrangements.

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)

TR16 (Parking and manoeuvring standards throughout the district)

- 5.20 In accordance with Development Plan Policy TR16, three car parking spaces are required for the proposed dwelling. The plans indicate that these can be provided within the car port or on the gravel drive located to the front of the building. As such, the proposal would comply with the Local Planning Authority's parking standards and no objections are raised in this respect.
- 5.21 The dwelling will use the existing access onto Peterley Lane. This arrangement has been assessed by the Highway Officer who has confirmed that they have no objection. It is important to note that the level of vehicle movements associated with the new dwelling would be notably less than the existing lawful commercial use. They are likely to be smaller vehicles too, i.e. cars rather than lorries or vans.
- 5.22 It is noted that a number of letters of support from neighbours and local residents have been received, stating that a clear benefit of the proposed development is that the change of use to a residential dwelling would result in a significantly reduced level of vehicle movements compared to the existing lawful commercial use.

Ecology

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

Local Plan Saved Policies:

NC1 (Safeguarding of nature conservation interests throughout the district)

GC7 (Noise-generating developments throughout the district)

- 5.23 Core Strategy Policy CS24 states that the Council will aim to conserve and enhance biodiversity within the District and where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest.
- 5.24 To this end, the Applicant has provided a Dusk and Dawn Bat Activity Survey Report. This report has not identified evidence of an active bat roost within the building at the time of the survey. Secondary surveys are therefore not required and no objections are raised, subject to conditions ensuring a biodiversity net gain on site as part of the development.
- 5.25 Although the site is located adjacent to woodland, this lies outside of the application site and it is noted that no extensions or works are proposed to the

building that would encroach any closer to the woodland. Therefore, no objections are raised in this respect.

Affordable Housing and Housing Mix

Core Strategy Policies:

CS8 (Affordable housing policy)

CS9 (Affordable housing in rural areas)

5.26 For proposals under 5 dwellings, Policy CS8 of the Core Strategy requires a financial contribution towards off-site affordable housing to be made. However, there are now specific circumstances set out in the NPPG (National Planning Practice Guidance) where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale development, such as that proposed under this application.

Other Matters

5.27 A third party representation letter refers to the conversion of the building from Use Class B8 storage as resulting in the loss of an employment use, which is contrary to Core Strategy Policy CS16. In this instance, the NPPF does not state that the re-use of a building cannot take place where there would be the loss of an employment use, although it is noted that the NPPF does, in other Chapters, seek to retain employment uses. To this end, it is necessary to assess whether the loss of a B8 storage use in this area would cause harm by way of the loss of an employment site. It has already been stated that any vehicle repairs business on site is not lawful, and so the only the loss of the B8 storage use can be assessed. In this instance, it is not considered that the loss of the B8 storage use in this location would result in the loss of a key employment site. A B8 Use is unlikely to generate a large employment base, particularly given the size of this premises and its location. For this reason, the change of use is considered to be acceptable.

5.28 On balance, it is considered that the proposal would not result in harm to the Green Belt, character of the area and neighbouring amenity, and would have no adverse impacts on the highway, biodiversity and employment generation. For this reason, the application is recommended for approval.

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. Negotiations were held with the Agent to arrive at an improved scheme, which is considered acceptable by Officers.

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, details of the facing materials and roofing materials to be used for the external construction of the conversion hereby permitted and any additional hard landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with these details.
Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.
3. Prior to the occupation of the development hereby permitted, the car port and parking area shown on drawing reference 4343 PLA 3.01 A, shall be implemented and shall not thereafter be used for any other purpose.

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

4. Prior to occupation, full details of the means of enclosure to be erected as part of the development shall be submitted to and approved 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.

5. 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.

Reason: To retain the barn like appearance of the building, to conserve the rural character of the locality and the landscape value of the AONB, in accordance with policies GC1 and LSQ1 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011).

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 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, in accordance with policies GC1, LSQ1 and GB2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011) and the provisions of the NPPF.

7. 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, in accordance with policies GC1, LSQ1 and GB2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS22 of the Core Strategy for Chiltern District (Adopted November 2011) and the provisions of the NPPF.

8. 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 or on ecology.

9. 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:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
- iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance

and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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.

10. 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'

11. 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 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9 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 10.

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.

12. The development shall be undertaken in accordance with the measures recommended within the Preliminary Ecological Appraisal produced by ASW Ecology (July 2020).

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

13. 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.

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

List of approved plans:

| <u>Received</u> | <u>Plan Reference</u> |
|-----------------|--|
| 30 Nov 2020 | Plans and elevations 4343 PLA 3.00 B |
| 27 Nov 2020 | Roof plans and location plan 4343 PLA 3.02 A |
| 30 Nov 2020 | Ground floor and site plan 4343 PLA 3.01 B |

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 have concerns with regard to the conversion of this barn to residential use. Traffic - The access to Peterley Wood Farm is on a blind bend on Peterley Lane. There is already an increase in traffic from the Farm due to the conversion of other agricultural buildings to residential use.

Impact on Ancient Woodland. The building backs onto Peterley Woods, an ancient woodland. There are public footpaths which are close to this area.

Loss of Agricultural land - through the conversion of an existing field to create amenity space for the property.

I would like this application brought to the Planning Committee should the Officer's recommendation be for approval.

Parish Council Comments

'The Parish Council opposes this application on the following grounds:

a) The proposed development is within the Green Belt and an Area of Outstanding Natural Beauty where there is a presumption against development save in very special circumstances and the National Planning Policy Framework at S172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in, for example areas of Outstanding Natural Beauty.

b) Whilst the applicant suggests that the development would be a change from the use of the barn as industrial storage and car repair premises, it is believed that the barn is in fact not occupied for storage or for car repairs and is therefore not in industrial use. If this is the case any suggestion that conversion from industrial use to residential will reduce traffic flow is incorrect and in fact the development would lead to an increase in traffic movements.

c) The Parish Council has concerns as to the Highways access to and from the site and as to whether or not it is adequate to provide safe access and egress for road users and in particular pedestrians if there is additional traffic flow from the site.'

Consultation Responses

Archaeology Officer: 'No objections.'

Building Control Officer: 'Access for the fire service will need to be provided to within 45m of all areas inside the new dwelling. It appears that the 45m cannot be reached from the main road, therefore the access drive will need to comply with Part B5 of the Building Regulations so that a fire appliance can access within 45m of any point inside the dwelling. It will need to be minimum 3.7m between kerbs and 3.1m between gate posts designed to take the weight of a pump appliance. As longer than 20m it will need turning facilities to comply with Part B5.'

Highway Officer: 'Peterley Lane is a rural 'C' class road subject to a 40mph speed limit. This application seeks permission for the conversion of an existing barn to a single residential unit with the erection of a detached car-port.'

In terms of trip generation, it is my understanding that the existing barn has lawful use of mixed B8 and B1 use, which would allow the barn to be used within either of these use

classes at any time without planning permission. As such, I consider that the existing lawful use of the barn has the potential to generate vehicular movements in excess of the proposed dwelling.

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

Mindful of the above, I have no objection to the proposed development.'

Tree and Landscaping Officer: 'The site is adjacent to Peterley Wood and much of the wood is classified as ancient woodland. However, the strip immediately adjacent to the application site is not classified as ancient woodland and appears to be a pine plantation. The closest part of the ancient woodland is over 30m from the site.

The Ecology Report does not identify any trees close to the barn and states: *No trees will be damaged, felled or have new light spillage on them as part of the development proposal.* However, the Planning Site Plan marks seven trees for removal. Two of these are elderberries behind the barn, two are small unidentified trees 6-7m in height in front of the barn and three are sycamores 12-17m in height very close to the side of the building. These three sycamores appear to be fairly young trees that are likely to be affecting the building and would not have a viable future.

I have no objections to the application.'

Representations

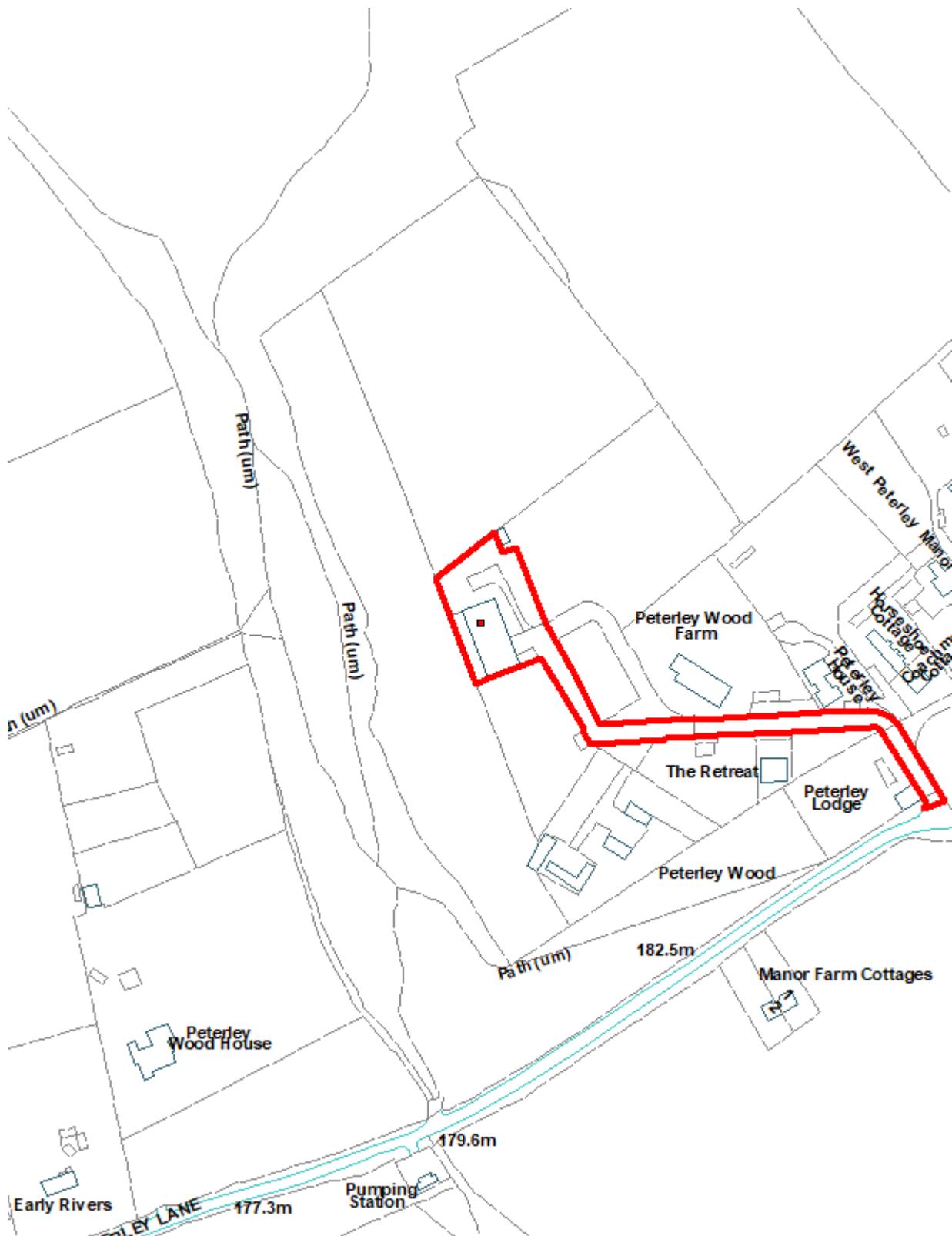
Two letters of support received which have been summarised below:

- The change of use from business to residential will hopefully reduce the level of vehicle movements
- A residential use is preferable to the existing car repair business taking place

One letter of objection received which has been summarised below:

- Questions regarding lawful use of the building, with the November 2003 appeal confirming that the B8 storage use is the lawful use
- No Permitted Development rights for conversion of B8 uses to residential development
- No default consent under Permitted Development
- The car port is not shown on the plans
- Contrary to Policies CS4, CS16, CS22, GB11, GB16, GB22A, LSQ1, TR2, TR3
- Proposed conversion is out of keeping with the rural character of the area
- Large courtyard is alien to the building
- The Highway Authority has not considered the suitability/safety of the access
- Close proximity to woodland which has not been adequately considered
- Proximity of woodland would result in poor living conditions
- Lack of highway assessment
- Loss of employment

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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