



Report to East Buckinghamshire Area Planning Committee

DEFERRED APPLICATION

Application Number:	PL/19/4402/FA
Proposal:	Four new dwellings, garages and single storey rear extension to No.108 with associated works, including; demolition works to No.108, provision of vehicular access, parking, turning areas and landscaping
Site Location:	Land to the rear of 104-110 Chartridge Lane Chesham Buckinghamshire HP5 2RG
Applicant:	Dr Nick Lewis
Case Officer:	Melanie Beech
Ward affected:	Chiltern Ridges
Town Council:	Chesham
Valid date:	19 December 2019
Determination date:	28 August 2020
Recommendation:	Conditional Permission

1.0 Matters for consideration

- 1.1 Members will recall that this application was heard by the Planning Committee at the meeting on 28th July 2020. The original case officer's report is attached at Appendix A.
- 1.2 The application was deferred so that the case officer could seek amendments to the proposed development, particularly in relation to amenity space and bin storage. In addition, some amendments to the conditions were suggested and clarification was sought that the 4.8m wide access road could be achieved.

- 1.3 An amended site plan has been submitted which is attached at Appendix B. The revisions are as follows:
- Dwellings moved further forward to increase garden depths by approximately 1m
 - Obscure glazing to side facing roof lights
 - Increased bin storage areas at the collection point near the front of the site.

- 1.4 The following additional comments have been received from consultees:

Highway Authority

“Having assessed the amended site plan, I can confirm that the proposals are still acceptable in highway terms and therefore my previous comments remain unchanged.”

Waste Team

“The Waste Team acknowledge that the developer has increased provision for bin storage at the front of the properties at the entrance to Chartridge Lane. The waste receptacles will be collected from and returned to this location. The householders will be responsible for bringing and returning their containers to and from this communal collection point. Waste vehicles will not enter the site to make collections. The Waste Team have no objections to these plans given these conditions.”

- 1.5 The following additional comments have been received from neighbouring properties:

94 Chartridge Lane (owner of land to the rear of the site):

“Following a discussion with the applicant Dr Nick Lewis regarding the planned rear hedge, it was agreed that the developer will erect a 4ft chain link fence along the boundary line with a green beech hedge within, be planted as soon as is practicable. This was specifically chosen as it is both native and "horse-safe". Therefore I can confirm that subject to the later completion of the above agreed fence and hedge, the boundary issue has now been resolved to our satisfaction.”

112 Chartridge Lane:

Raises concern over the impact of the development (particularly plot 4) on the adjacent eucalyptus tree in the neighbouring garden, as well as the impact the tree may have on the new dwelling.

They would also like to retain the chain link fence and hedge between 110 and 112 Chartridge Lane, and the 6-foot privet hedge.

2.0 Evaluation

Amenity space

- 2.1 The garden depths now measure between 9m and 11m, and have widths of 14m – 15m. As such, the garden areas provided are between 179sqm and 214sqm. Policy H12 of the Local Plan states that “each new house should have a private

garden area adequate for and appropriate to the size, design and amount of living accommodation proposed". The 15m garden depth is a "general standard expected". Exceptions to the general standard expected include "where the rear site boundary abuts an open field or open countryside". It does not specify that these have to be accessible open spaces.

- 2.2 The private gardens are considered to provide adequate outdoor amenity space which is appropriate to the size, design and amount of living accommodation proposed.
- 2.3 Members queried at the previous Committee whether additional garden space could be gained by utilising more of the rear gardens of the existing dwellings along Chartridge Lane. However, this is not achievable due to the shape of the site. The applicant does not own any of the land outside the red edge.

Bin storage and collection

- 2.4 The amended plan shows space for 6x wheelie bins, 3x food bins, and 3x recycling boxes on each side of the access road. This is now adequate for providing the standard suite of containers as per the Council's waste policies. Condition 17 still requires full details of the bin storage, and requires it to be implemented in accordance with the approved details and thereafter permanently retained.
- 2.5 With regard to waste collection, the Highway Authority have confirmed that they would not adopt the access road, and the Waste Team have confirmed that waste lorries would not enter the site. Whilst the concerns about waste lorries waiting on Chartridge Lane are noted, it is not recommended that the application be refused on this basis, as there are no objections from either the Highway Authority or the Waste Team.

Access Road

- 2.6 Concern was raised at the previous Committee that the site is not wide enough to accommodate the 4.8m wide access road. The applicant has confirmed that the proposals are based on a topographical survey of the site and is therefore confident that this can be achieved.
- 2.7 It is recommended, in response to Members concerns, that condition 5 is reworded so that the access road must be constructed prior to any other works commencing. If the access road is not constructed in accordance with the approved plans, there will be a breach of planning control.

Impact on neighbouring properties

- 2.8 The amended plan shows that all of the roof lights will be obscure glazed, in order to protect the amenities of neighbouring properties. It is recommended that an additional condition is imposed to require this.

Boundary treatments

- 2.9 Much discussion was held at the previous Committee regarding the rear boundary treatment and how this could impact the horses in the field beyond. The amended plan shows that it is proposed to plant a new native hedge along the rear boundary, which is considered to be visually the most appropriate for this setting. However, the applicant has agreed with the owner of the adjacent land to erect a 4ft chain link fence with a green beech tree hedge within. Condition 16 requires full details of all boundary treatments to be submitted and it appears that a satisfactory outcome can be achieved for all parties. For reassurance, the applicant has agreed to include an informative on any permission granted to say that any boundary treatment along the rear boundary will be sensitive to the users of the adjacent field.
- 2.10 With regard to the other boundaries, it is noted that the existing hedge between nos. 110 and 112 is shown on the amended plan. It is understood that there is also a chain link fence along this boundary which the neighbour would like to see retained. As stated above, condition 16 requires full details of all boundary treatments to be submitted and approved in writing by the local planning authority. This level of detail is usually dealt with by condition and the Council is confident that satisfactory boundary treatments can be agreed.

Impact on trees

- 2.11 The comments from the neighbouring property at no. 112 Chartridge Lane are noted, particularly with reference to their eucalyptus tree. The Council's tree officer has assessed the Arboricultural Impact Assessment submitted with the application and raises no objection. However, condition 13 requires the tree and hedge protection measures to be implemented in accordance with the details set out in the report. This includes a temporary staked tree protection barrier and site hoarding along the boundary between nos. 110 and 112 Chartridge Lane. Although the owner of no.112 is keen to retain the eucalyptus in their garden, it is noted that it is not covered by a Tree Preservation Order or is of significant public amenity value.

3.0 Conclusion

- 3.1 It is considered that the amended plan and the suggested revisions to the conditions, have addressed Members concerns to create an acceptable form of development. As such, the recommendation is to grant conditional permission.

Recommendation: Conditional Permission

Subject to the following conditions:-

1. The development to which this permission relates must be begun before the expiration of three years from the date of this permission.
Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.
2. Before any construction work above ground commences, details of the materials to be used for the external construction of the development hereby permitted, including the surface materials for the new access road, parking and turning areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in the approved materials.
Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality or create flooding issues, in accordance with Policies GC1, GC10 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).
3. Prior to the commencement of any works on site, detailed plans showing the existing ground levels and the proposed slab and finished floor levels of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point located outside the application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.
Reason: To protect, as far as is possible, the character of the locality, in accordance with Policies GC1 and H3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 and Policy CS20 of The Core Strategy for Chiltern District, Adopted November 2011.
4. 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.

5. Prior to the commencement of any other development on the site, the new access onto Chartridge Lane and the access road within the site shall be laid out in accordance with the approved plans.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway, 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. Within one month of the new access being brought into use, all other 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.

7. The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and those areas shall not thereafter be used for any other purpose. For the avoidance of doubt, this includes the garages which must not be converted to any other use than for the parking of vehicles.

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.

8. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks

associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

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

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

9. 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'.

10. 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 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 9.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles 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:
 - o Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
 - o Existing and proposed discharge rates and volumes
 - o Ground investigations including:
 - o Infiltration in accordance with BRE365
 - o Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined in paragraph 080 of the Planning Practice Guidance.
 - o Drainage layout detailing the connectivity between the dwelling(s) and the drainage component(s), showing pipe numbers, gradients and sizes, complete together with storage volumes of all SuDS component(s)
 - o Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.

- o Construction details of all SuDS and drainage components
- o Details of how and when the full drainage system will be maintained, this should also include details of who will be responsible for the maintenance
- o Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration of 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.

12. 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.

13. The development hereby approved shall be implemented in accordance with the tree and hedge protection measures described in the Arboricultural Impact Assessment report dated 16/12/2019 Ref: 101 443 and those shown on the Tree Protection Plan dated 12/16/2019 in Appendix 2 of the document by Arbol Euro Consulting. This shall include the use of tree protection fencing and no-dig construction in accordance with these documents.

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 building operations, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

14. 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, GC4 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS20 and CS24 of the Core Strategy for Chiltern District (Adopted November 2011).

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

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

16. 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 adjoining properties and approved dwellings, in accordance with policies GC1, GC3 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

17. Prior to the occupation of the development hereby permitted, full details of the proposed bin storage shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall then be implemented in accordance with the approved details 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 H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

18. Notwithstanding the provisions 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 - E of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site unless planning permission is first granted by the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider whether any future proposals will be detrimental to the character of the locality or the amenities of neighbouring properties, in accordance with policies GC1, GC3 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

19. Before the first occupation of each new dwelling hereby permitted, all of the roof lights on that dwelling shall be fitted with obscured glazing and any part of the windows that are less than 1.7 metres above the floor of the room in which they are installed shall be non-opening. The windows shall be permanently retained in that condition thereafter unless agreed in writing by the Local Planning Authority.

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

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>
30 Jul 2020	TL-4328-19-2C
19 Dec 2019	TL-4328-19-3
26 May 2020	TL-4328-19-4B Plot 1
26 May 2020	TL-4328-19-4B Plot 4
26 May 2020	TL-4328-19-5B Plot 2
26 May 2020	TL-4328-19-5B Plot 3
21 May 2020	TL-4328-19-7A

INFORMATIVE(S)

1. The applicant is advised that the rear boundary treatment, details of which are required under condition 16 of this permission, should be sensitive to users of the adjacent field.
2. The Council is the Charging Authority for the Community Infrastructure Levy (CIL). CIL is a charge on development; it is tariff-based and enables local authorities to raise funds to pay for infrastructure.
If you have received a CIL Liability Notice, this Notice will set out the further requirements that need to be complied with.
If you have not received a CIL Liability Notice, the development may still be liable for CIL. Before development is commenced, for further information please refer to the following website <https://www.chiltern.gov.uk/CIL-implementation> or contact 01494 732792 for more information.
3. Due to the proximity of the site to existing residential properties, the applicants' attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicles parking at the site or making deliveries, and general disruption caused by the works.
By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents. Further information on how to participate can be found at www.ccscheme.org.uk.
4. The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information or apply online via Buckinghamshire County Council's website at <https://www.buckscc.gov.uk/services/transportand-roads/licences-and-permits/apply-for-a-dropped-kerb/>
Highways Development Management
6th Floor, County Hall
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Telephone 01296 382416