



## Report to East Buckinghamshire Area Planning Committee

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<b>Application Number:</b>	PL/20/1214/VRC
<b>Proposal:</b>	Variation of conditions 6 and 12 of planning permission PL/18/3887/FA (Erection of two detached dwellings and a five bay car port.) to allow for an alteration to the car port and the relocation of the parking spaces.
<b>Site Location:</b>	75 Lye Green Road, Chesham, Buckinghamshire, HP5 3NB
<b>Applicant:</b>	VISAO Ltd
<b>Case Officer:</b>	Lucy Wenzel
<b>Ward affected:</b>	Chesham
<b>Town Council:</b>	Chesham
<b>Valid date:</b>	9 April 2020
<b>Determination date:</b>	4 June 2020
<b>Extension of time:</b>	28 August 2020
<b>Recommendation:</b>	Conditional Permission

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

- 1.1 Permission is sought for the variation of conditions 6 and 12 of planning permission PL/18/3887/FA (Erection of two detached dwellings and a five bay car port.) to allow for an alteration to the car port and the relocation of the parking spaces.
- 1.2 The application is before Committee as the Local Member Councillor Culverhouse has indicated that he would like the application heard before Committee should the Officers recommendation be for approval.
- 1.3 The recommendation for the proposal is conditional permission.

### 2.0 Description of Proposed Development

- 2.1 Permission is sought for the variation of PL/18/3887/FA to allow for the relocation of the car port and parking spaces and the reduction in scale of the car port. The original description was to remove the proposed car port but this now set to be retained.
- 2.2 The car port is proposed to be relocated from the south western end of the site to the north western end but will remain to be positioned along the north western boundary of the plot. The car parking spaces will likewise be repositioned from the south western end but to both the north western and eastern end of the plot. The car port measures approximately 7.4 metres in width with a depth of 5 metres.
- 2.3 The application is accompanied by
  - a) *Design and Access Statement*
  - b) *Parking Survey*
  - c) *Environmental Report*

### **3.0 Relevant Planning History**

PL/18/3887/FA – Erection of two detached dwellings and a five bay car port. Conditional permission.

The below applications relate to the wider site boundary:

CH/2018/0366/FA - Redevelopment of site, erection of three detached houses and one four bay car port with associated parking, amenity space and landscaping (amendment to planning permission CH/2016/2230/FA). Conditional permission.

CH/2016/2230/FA - Redevelopment of site, erection of three detached houses and one four bay car port with associated parking, amenity space and landscaping. Conditional permission.

### **4.0 Summary of Representations**

- 4.1 The Town Council raises its concern over the possible intensification of the site, having noted the car ports are currently there to stop development. *[Officer Note: this is not the purpose of the car ports and each application has to be considered on its own merits].*
- 4.2 In addition, 12 letters of objection have been received, largely commenting on the scheme already approved.

### **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.
- Draft Chiltern and South Bucks Local Plan 2036.
- Affordable Housing Supplementary Planning Document (SPD) - Adopted 21 February 2012
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule

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

Core Strategy Policies:

CS1 (The spatial strategy),

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

Local Plan Saved Policies:

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

- 5.1 The site is located in the built up area of Chesham where, in accordance with Development Plan Policy H3, proposals for replacement dwellings are acceptable in principle, provided the proposed development is compatible with the character of the area by respecting the general density, scale, siting, height and character of buildings in the locality and the presence of trees, shrubs, lawns and verges and the size, design and external appearance of the dwelling should be compatible with existing dwellings.
- 5.2 In addition, Core Strategy Policy CS20 also states that the Council will require that new development within the District is of a high standard of design which reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness. All other relevant Development Plan Policies should be complied with.

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

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

Local Plan Saved Policies:

GC1 (Design of development throughout the district)

GC4 (Landscaping throughout the district)

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

- 5.3 The proposed variation seeks to relocate both the proposed car port and parking spaces set to serve the proposed two dwellings on site. Currently the car port is sited along the north western boundary edge of the plot towards the south

western end close to the access point leading into the site. The relocation of the car port will see it remaining positioned along the north western boundary but will be relocated to be positioned closer to the two proposed dwellings. Additionally, the car port will reduce in scale from a five bay to a three bay which reduces its visual presence within the site and its overall proportions. In terms of the character and appearance of the site; this presents a visual improvement as it keeps the spread of built form positioned to the north of the site and is therefore viewed more cohesively and as a collective area of built form. Likewise, to the relocation of the car port; the parking spaces serving the two dwellings are to be relocated closer to the proposed dwellings.

- 5.4 The original proposed landscaping which was to be sited to the front of the two dwellings will be lost as a result of the relocation of the parking but this will be repositioned to border the north west boundary providing an area for public enjoyment. This also separates the original 2015 permission to the 2018 permission by landscaping and increases the visual amenity of the whole site. Given the above assessment, the proposed variation is not considered to have a detrimental impact upon the character and appearance of the sit and does not adversely affect the original permission on site. Therefore, the works are deemed to be acceptable. In relation to the proposed dwellings these are not altering from the original proposed scheme of works and therefore there are no comments to make in this regard.

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

Local Plan Saved Policies:

GC3 (Protection of amenities throughout the district)

H14 (Safeguarding the amenities of neighbours)

H12 (Private residential garden areas throughout the district)

- 5.5 In terms of residential amenity, the relocation of both the car port and car parking spaces will have a positive impact upon those dwellings approved under the 2015 application. The former permission sited the parking serving the additional two dwellings in close proximity to these original dwellings. As such, the relocation further to the north of the site improves amenity levels for these dwellings, reducing noise and pollution. As aforementioned, the movement of the landscaped area will be repositioned such that it is readily accessible for the whole site and this therefore likewise increases. In relation to the proposed dwellings; these are not altering from the original permission and as such the impacts upon neighbouring dwellings are not considered to be detrimental. As such, having consideration for the above against the original scheme and

potential impacts upon amenity levels, the variation is not considered to conflict with Policies GC3 and H14.

- 5.6 With regards to the proposed amenity space associated with the new dwellings, the proposed garden depths provided will not be altered from the previous permission and therefore the level of amenity space provided remains acceptable to the scale of dwellings proposed and they comply with the requirements of Policy TR12.

### **Transport matters and parking**

Local Plan Saved Policies:

TR2 (Highway aspects of planning applications throughout the district)

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

TR12 (Relaxation of parking standards throughout the district)

TR15 (Design of parking areas throughout the district)

TR16 (Parking and manoeuvring standards throughout the district)

- 5.7 The variations sought under this scheme predominately relate to parking. The proposed variations relate to the relocation of the car port and parking spaces. The access leading off of Lye Green Road remains unaltered including the main access drive into the site; therefore, there are no concerns raised in relation to this and the previous Highways comments remain applicable with no objections.
- 5.8 As aforementioned, the proposed car port and parking spaces associated with the two dwellings are set to be relocated from the south west of the site to the north east of the site such that they reside to the front of the dwellings in which they provide the spaces for. The number of parking spaces is retained at six which meets the provisions of Policy TR16; with three within the car port and three outside spaces. A designated turning bay is located opposite the car port to enable vehicles to manoeuvre with ease within the constraints of the plot.

### **Trees**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

- 5.9 A number of amended plans were received which altered the repositioning of the car port and turning bay to reduce potential impacts on those existing trees which border the site. A specific Tree Protection Plan (TPP) has also been submitted alongside an Arboricultural report which lay out the protection measures for these existing trees. Whilst development is located in close proximity to existing trees and hedging on site, the Tree Officer has raised no objections to the development subject to a condition relating to the

development being construction in accordance with the measures set out in the Arboricultural report and TPP.

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

- 6.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 6.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
  - a. Provision of the development plan insofar as they are material,
  - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
  - c. Any other material considerations
- 6.3 As set out above it is considered that, the proposed development would accord with the development plan policies.
- 6.4 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.
- 6.5 The proposed variations are considered to be minor when considered against the original planning scheme granted permission and will not adversely affect the character or appearance of the area, the amenities of neighbouring properties, or have parking/highway implications. As such, the proposal is considered to be acceptable.
- 6.6 If approved, this planning permission will in effect grant a new planning permission. Therefore, it is necessary to impose the same conditions which were imposed on the previous permission, albeit with reference to the new plans submitted.

## **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.

- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this instance, Officers requested additional information and this was submitted along with amended plans.

**Recommendation:** Conditional Permission

Subject to the following conditions:-

1. The development to which this permission relates must be begun before the expiration of the 28th March 2022.  
Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.
2. The development shall only be carried out in the approved materials agreed under application PL/20/1315/CONDA.  
Reason: To ensure that the external appearance of the development is not detrimental to the character of the surrounding area and for all potential users of the site, in accordance with Policies GC1 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. No tree or hedge shown to be retained on the Tree Protection Plan Rev D shall be removed, uprooted, destroyed or pruned for a period of five years from the date of implementation of the development hereby approved without the prior approval in writing of the Local Planning Authority. If any retained tree or hedge is removed, uprooted or destroyed, or dies during that period, another tree shall be planted of such size and species as shall be agreed in writing by the Local Planning Authority. Furthermore, the existing soil levels within the root protection areas of the retained trees and hedges shall not be altered.  
Reason: To ensure the retention of the existing established trees and hedgerows within the site that are in sound condition and of good amenity and wildlife value, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

4. Prior to the occupation of the development the modified access to Lye Green Road shall be designed in accordance with the approved plans.  
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.
5. No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.  
Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in the flank elevations of the dwellings hereby approved.  
Reason: To safeguard the amenities of the adjoining properties and approved dwellings.
7. The proposed roof lights in the roof slopes of the proposed dwellings shall be a minimum of 1.7 metres above the floor of the room in which they are installed. The windows shall be permanently retained in that condition thereafter.  
Reason: To protect the amenities and privacy of the adjoining properties, in accordance with Policy GC3 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.
8. Notwithstanding the provisions of Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within 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 to protect the amenities of adjoining properties and to ensure adequate amenity space is retained for future occupiers of the dwellings, in accordance with Policies GC3 and H12 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.



9. The bin storage area shall only be carried out in line with the approved details under application PL/20/1315/CONDA.

Reason: To ensure that adequate provision for the storage of waste is made for future occupiers of the development and to ensure that the bin storage area does not appear out of keeping with the development scheme in accordance with

10. 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>
9 Apr 2020	918.1119.PL103 1ST FL WEST
14 Apr 2020	918.1119.PL101 GF WEST
26 Jun 2020	AMENDED - 918.1119.PL102 GF EAST - REV B
26 Jun 2020	AMENDED - 918.1119.PL104 1ST FL EAST REV B
26 Jun 2020	AMENDED - 918.1119.PL100 SITE LAYOUT REV B
26 Jun 2020	AMENDED - 918.1119.PL106 CONTEXT - REV B
22 Jun 2020	TPP REV D
17 Oct 2018	918:1119/PL105
17 Oct 2018	LOCATION PLAN
23 Apr 2020	918_PL-120_P1
23 Apr 2020	2085 01 A

**INFORMATIVE(S)**

1. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A period of 28 days must be allowed for the issuing of the licence, please contact the Area Manager at the following address for information.  
Transportation for Buckinghamshire  
London Road East  
Little Chalfont  
Amersham  
Buckinghamshire  
HP7 7DT
2. It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.

3. The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the appropriate Water Authority may be necessary.
4. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
5. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
6. 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

Councillor Culverhouse has called the application forward to Planning Committee should the Officers recommendation be for conditional permission.

### Town Council Comments

Received on the 10<sup>th</sup> June 2020

The Committee raises its concern over the possible intensification of the site, having noted the car ports are currently there to stop development.

### Consultation Responses

#### **Tree Officer:**

Received on the 11<sup>th</sup> June 2020

*“The application proposes *“to remove the car port from the application and relocate the car parking closer to the houses”*. This proposal would create an additional *“amenity”* area on the north-western side of the access drive, which is nearly the same size as the plot for the approved house on the south-eastern side of the access drive. The drive is shown narrowed to a single track immediately adjacent to the approved house.*

This proposed drive and parking area would be within the tree protection areas of, and very close to, some retained trees both within and adjacent to the site. The submitted proposals give no information about any tree protection measures in connection with this application.

PL/18/3887/FA required the submission and approval of a Tree Protection Plan under Condition 3 and this has not yet been agreed. I note that PL/20/1315/CONDA has now been submitted for the approval of details reserved by conditions 2, 3, and 11 on planning permission PL/18/3887/FA. However, the submitted plan is the same as that approved under PL/18/3054/CONDA for CH/2018/0336/FA, and it does not even show the development approved under PL/18/3887/FA. If fencing was erected in the positions shown on this plan, it would not be possible to construct the houses approved by PL/18/3887/FA.

I am concerned about the potential effects of the suggested changes on the trees around the proposed parking spaces, which would be considerably greater effects than caused by the current approved layout. However, it may be possible to mitigate these effects through an appropriate Tree Protection Plan including the use of no-dig construction.”

{Further to these comments, a Tree Protection Plan was submitted and the Tree Officer was reconsulted. Subsequently, further comments were received.}

Received on the 11<sup>th</sup> June 2020

*“Under my earlier comments I had stated: I am concerned about the potential effects of the suggested changes on the trees around the proposed parking spaces, which would be considerably greater effects than caused by the current approved layout. However, it may be possible to mitigate these effects through an appropriate Tree Protection Plan including the use of no-dig construction.”*

A Tree Protection Plan has now been submitted for the application. This shows tree protection fencing but no specific measures to reduce any potential damage to tree roots within the additional hardstanding areas nor any no-dig construction of the hard surfaces.

However, one thing it does show is that the proposal would require the loss of T20 Apple and T21 Flowering cherry. These appeared to be shown retained on the earlier application plans with some trees being marked "extg trees retained" but it appears that these were wrongly positioned and that it would not be possible to retain any existing trees in front of the proposed two houses.

As it stands, the proposal is likely to cause root damage to T17 and T18, two lime trees protected by Tree Preservation Order No 8 of 2003 within the rear garden of 79 Lye Green Road, as well as T19 a Lawson cypress within the same garden. It would also cause damage to G1, a cypress hedge on the boundary with 11a Codmore Crescent just within the rear garden of the property.

Consequently, the Tree Protection Plan is not considered to be adequate and in these circumstances I would object to the application because of its effect on the trees in and around the site, particularly the limes protected by the Tree Preservation Order."

{\i Further to the above comments there was correspondence between the Tree Officer and Agent and a revised Arboricultural Survey and Tree Protection Plan were subsequently submitted. As a result, further amended comments were received from the Tree Officer.}

"A revised Arboricultural Survey Rev B dated 22/06/20 along with a revised Tree Protection Plan Rev D dated June 2020 have now been submitted.

These also show some changes to the previous development proposals. An area that appears to have been a turning head beside the lime T18 and to the south-west of the three parking spaces in front of Plot 4 has now been removed and replaced by a fourth parking space. In addition, the plan now shows a triple car port over the three parking spaces furthest from the house on Plot 4.

The tree report states:

5.6 The proposals have also made provision for car parking spaces at the front of plot 4. As these overlap the root protection area of the lime (T18) and the Lawson cypress (T19) it is proposed to install a no dig section of driveway here as well. The method for constructing the no dig driveway is described in the method statement (appendix 4).

5.7 The car parking spaces also include the provision of a car port. This will be a lightweight structure constructed on four main corner posts with an intermediate support post mid-way along each of the three sides. The posts require a small localised excavation in order to be installed.

There have been some concerns about work to the cypress hedges along the south-eastern boundary: with Codmore Crescent just outside the red edge of the application site, which are important in separating the site from the neighbouring properties. The tree report comments:

5.10 The cypress trees along the boundaries are to be pruned back to face them up. This will help to thicken the hedges and prolong their useful life.

5.11 The houses at Plots A and B both encroach onto the root protection area of these trees, but in my opinion this will be acceptable. The rpa's of trees assumes a full crown, whereas the hedges here have been kept pruned down and have a smaller volume of foliage to sustain. Thus, some encroachment into the rpa of the hedges should not affect the hedges unduly.

5.12 In my experience, cypress hedging that is kept pruned as this has been will have a relatively small rooting area and given the available open ground on the neighbouring side, this will ensure that enough roots are retained to sustain the hedging.

In theory the precautions mentioned in the revised tree report should avoid further significant damage to the trees and hedges in and around the site if they are properly implemented. However, I note that several neighbours have expressed concerns about the measures implemented to date.

In these circumstances, although I have concerns about the site, I would not object to the application provided the tree and hedge protection measures in the revised Arboricultural Survey Rev B dated 22/06/20 and the revised Tree Protection Plan Rev D dated June 2020 are properly implemented."

**Highways Officer:**

Received on the 6<sup>th</sup> August 2020

"Condition 6 relates to space within the site for the parking of cars and Condition 12 relates to drawing numbers. The variation of conditions proposed do not materially alter the proposals from a highways perspective and as such I have no objection to the proposals in this instance.

Mindful of the above, I have no objection to the variation of conditions."

Representations

*12 letters of objection have been received throughout the process of the planning application which have been summarised below. Throughout the consultation period the description was amended to retain the car port and therefore the comments received relate to before and after these amended plans.*

*Character and Appearance*

- *The car port is a fundamental part of the planning application.*
- *The original conditions on the application formed part of the reason why it was approved and therefore they shouldn't be varied or removed.*
- *The Tree Officer has not confirmed his agreement to the scheme.*
- *The creation of amenity space could provide an area for the developer to develop in the future.*
- *There is a dense overdevelopment of the site.*
- *The trees on site should be retained and the condition retained on the permission to ensure their protection.*

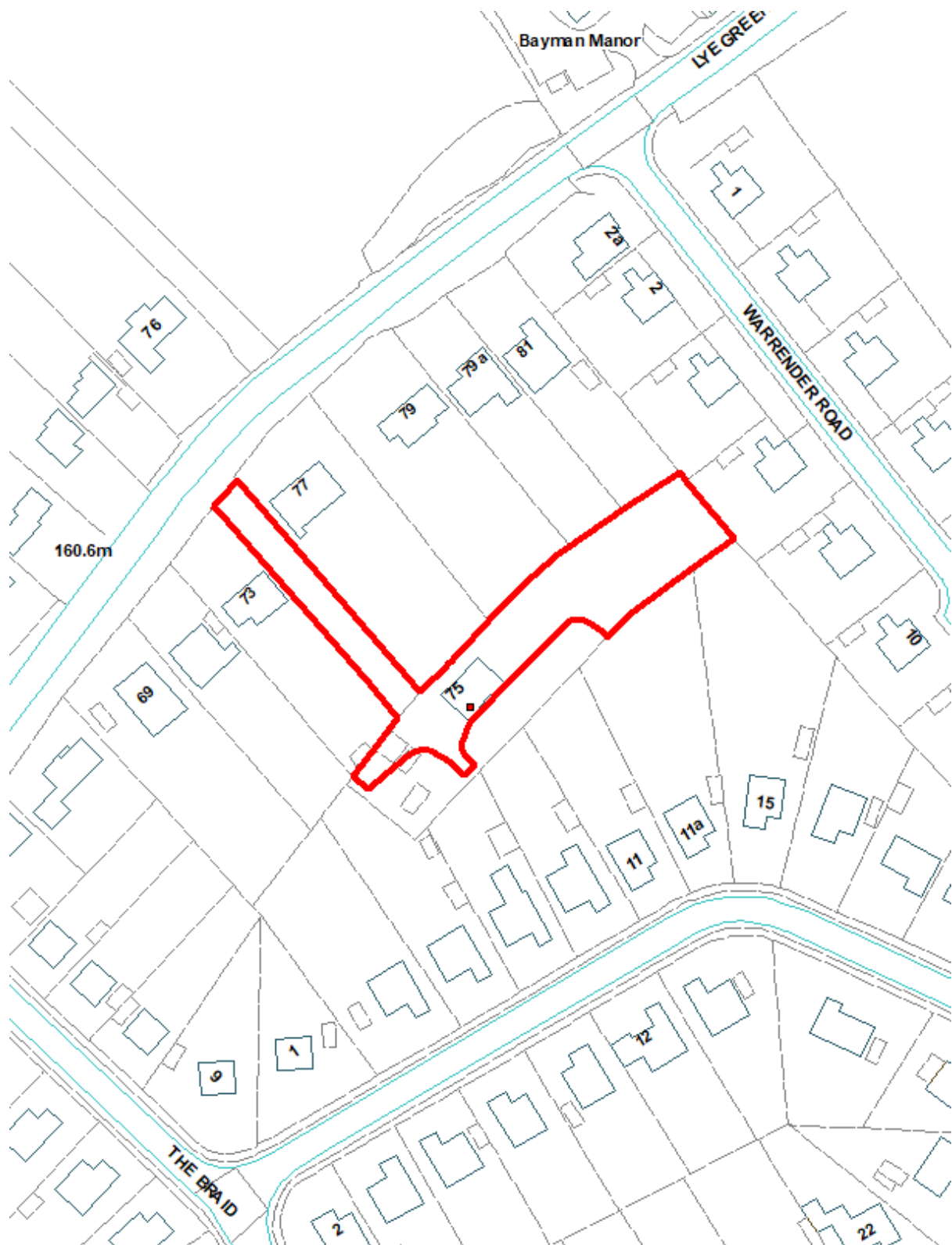
- *The movement of the car port and parking spaces could result in impacts to existing trees on site proposed to be retained.*
- *The development is not of a high standard and does not respect the character and appearance of the area.*
- *The houses of the development are not user friendly.*

*(OFFICER NOTE: Whilst the comments regarding the dwellings and the character and appearance of the site and surrounding locality; this is not something that can be considered under this application. This application relates to a variation of condition application with the scheme as a whole already being granted conditional permission under application PL/18/3887/FA.*

*Residential amenity*

- *The noise of development is disrupting local neighbouring residents.*
- *There would be a blocking of sunlight to neighbouring dwellings by the erection of these dwellings.*

## APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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