

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

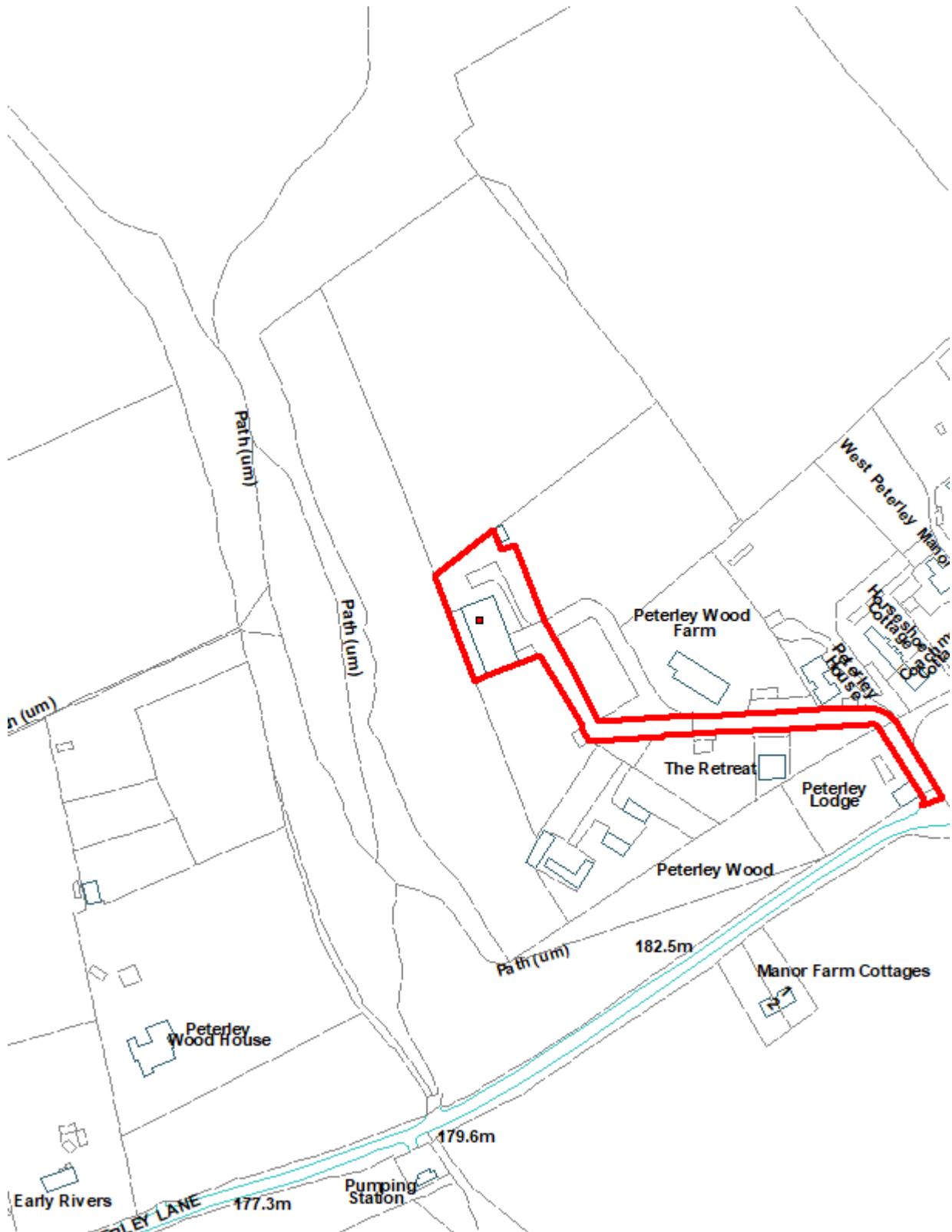
Two letters of support received which have been summarised below:

- 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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