



## Report to East Area Planning Committee

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| <b>Application Number:</b>  | PL/23/0328/FA  |
| <b>Proposal:</b>            | Single storey, open sided detached shelter to side of public house (retrospective)     |
| <b>Site location:</b>       | The Plough Public House<br>Hyde Heath Road<br>Hyde Heath<br>Buckinghamshire<br>HP6 5RW |
| <b>Applicant:</b>           | Ms S Dooner  |
| <b>Case Officer:</b>        | Alex Wilson  |
| <b>Ward affected:</b>       | Chiltern Ridges  |
| <b>Parish-Town Council:</b> | Little Missenden Parish Council  |
| <b>Valid date:</b>          | 2 February 2023  |
| <b>Determination date:</b>  | 24 August 2023   |
| <b>Recommendation:</b>      | Conditional permission   |

### 1.0 Summary & Recommendation

- 1.1 This application is for a single storey, open sided detached shelter to the north western side of the public house (retrospective).
- 1.2 This application is before Committee as Cllr MacBean has called in the application for consideration by the Committee if the Case Officer's recommendation is for approval.
- 1.3 The recommendation for the proposal is to grant conditional permission.

### 2.0 Description of Proposed Development

- 2.1 This application relates to a single storey, open sided detached shelter to the northern western side of the public house. The shelter is constructed with dark grey timber with a flat roof including acrylic sheets. The shelter is located adjacent to the car park, with neighbouring properties including Hyde Heath Chapel being sited to the south west. The shelter approximately measures a maximum width of 2.4 metres, a maximum depth of 11.75 metres and has a maximum roof ridge height of 2.5 metres.

### 3.0 Relevant Planning History

- 3.1 CH/2004/2386/FA - 14 February 2005 - Single storey side/rear extension incorporating conservatory – Refused Permission

- 3.2 CH/2006/0142/FA - 31 May 2006 - Single storey side/rear extension and alterations to car park and vehicular access - Conditional Permission
- 3.3 PL/19/1475/FA - 3 July 2019 - Demolition of existing store, ground floor and first floor rear extensions and renovations – Conditional Permission
- 3.4 PL/20/0019/VRC - 28 February 2020 - Variation of condition 3 of PL/19/1475/FA (Demolition of existing store, ground floor and first floor rear extensions and renovations) to exclude first floor rear extension – Conditional Permission

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

- 4.1 Three letters of objection have been received.
- 4.2 Five letters of objection has been received.
- 4.3 Little Missenden Parish Council object.

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

- National Planning Policy Framework (NPPF), 2021
- National Design Guide, revised 2021
- Core Strategy for Chiltern District - Adopted November 2011
- Chiltern Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule

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

Core Strategy Policies:

CS1 (The spatial strategy)

CS22 (Chilterns Area of Outstanding Natural Beauty)

Local Plan Saved Policies:

GC1 (Design of development)

GB2 (Development in general in the Green Belt)

LSQ1 (Chilterns Area of Outstanding Natural Beauty)

- 5.1 The application site contains a Public House sited to the south western side of Hyde Heath Road, Hyde Heath. A car park is located to the side (north west) of the Public House and Hyde Heath Common is located across the street, to the front. As aforementioned, the detached shelter is sited to the north western side of the public house.
- 5.2 The site is located within a Green Belt Settlement and also within the Chilterns AONB. Policy GB2 of the Local Plan states that 'most development in the Green Belt is inappropriate and there is a general presumption against such development'. Development which is not inappropriate is set out in this Policy. However, modest development to community facilities are generally acceptable, subject to being not disproportionate additions over and above the size of the original building. In this instance, the shelter is not considered to comprise a disproportionate addition to the original building, thereby complying with Green Belt policy.
- 5.3 All other relevant Development Plan Policies should be complied with. Furthermore, Policies LSQ1 of the Local Plan and CS22 of the Core Strategy state that the scale, size, siting and design of the development as well as the external materials to be used, shall be considered in assessing whether the development is appropriate within the AONB.

#### **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)

TR3 (Access and road layout)

Buckinghamshire Parking Guidance September 2015

5.4 The site lies in Zone C as set out in the Bucks Parking Standards. The closest parking standard relating to pubs sets out that the existing pub requires 10 spaces, including 2 spaces for the existing first floor flat. If the shelter is regarded as additional floorspace, then it generates a requirement for 2 additional parking spaces to be provided, taking the total parking requirement to 12 spaces.

5.5 It is noted that there is a large storage container currently located within the car park, reducing car parking availability. It currently occupies around 3 spaces as shown on the latest drawing. So there are presently only around 8 usable parking spaces, resulting in a current shortfall (of 2 spaces from the lawful situation). As the parking plan shows the container to be removed, a condition is recommended to ensure that it is removed within one month and the scheme for parking and manoeuvring indicated is laid out and thereafter retained unobstructed for parking. That would improve the current situation and, whilst there would still be a resulting shortfall of 1 space, the Highways Officer does not consider this slight shortfall in parking provision to result in a 'severe' impact on the local road network. As Members will be aware, Paragraph 111 of the NPPF states that applications should only be refused if the highway impact is severe. No objections are therefore raised regarding parking provision.

### **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)

CS29 (Community)

Local Plan Saved Policies:

GC1 (Design of development)

GC4 (Landscaping)

5.6 Local Plan Policy GC1 refers to the design and appearance of the development and requires all proposals to be assessed with regard to the scale of development, height, siting and relationship with adjoining boundaries and highway, car parking, materials, form, detailing of building work in sensitive locations and design against crime.

5.7 The shelter is located to the north western side of the Public House. Given its location to the side, tucked behind another existing structure, it is not considered that the shelter is prominent in appearance or overly large in size and scale. As such, it is not considered to cause a detrimental impact upon the character of the area or upon the wider landscape of the Chilterns AONB.

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

Local Plan Saved Policies:

GC3 (Protection of amenities)

GC7 (Noise-generating developments)

- 5.8 Local Plan Policy GC3 seeks to protect amenities throughout the area. It states that in considering proposals for development, the Council will seek to achieve good standards of amenity for the future occupiers of that development and to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties. Where amenities are impaired to a significant degree, planning permission will be refused.
- 5.9 The Environmental Protection Officer (EPO) has commented that the shelter is situated in close proximity to dwellings. It must be noted however, that the pub is already close to these dwellings. In order to mitigate the potential additional harm to nearby residential amenity, the EPO has recommended that conditions are applied ensuring that the shelter is not used by customers after 21:00 each day and for details of any external lighting to be submitted. In respect to the enforceability of these conditions, they have been confirmed by the Planning Enforcement Team.
- 5.10 It is also noted that whilst the shelter is largely open sided, there is partial solid screening to the SW end closest to the neighbouring dwellings, although it is not the full height of the shelter. A solid screen on this end would mitigate the impact on the neighbouring properties, by reducing noise and disturbance and ensuring that the shelter was fully screened from the closest neighbouring garden. This can be secured by condition.
- 5.11 With the above in mind, no objections are raised regarding the impact on the amenity of neighbouring properties.

### **Community facilities**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS29 (Community)

Local Plan Saved Policies:

GB23 (Limited infilling including local community facilities in the Green Belt in the areas defined in Policies GB4 and GB5)

- 5.12 The above policies seek to ensure that community facilities, including public houses, remain open to serve their communities. The proposal would help enable the continued viability of the pub, so there is no conflict in this regard.

## **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.

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

- 7.1 The agent was updated regarding the likely recommendation and progress of the application and offered the opportunity to speak at the Planning Committee meeting.
- 7.2 In accordance with paragraph 38 of the NPPF (2021) the Council approaches 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.
- 7.3 The Council works 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.

## **8.0 Recommendation: Conditional Permission, subject to the following conditions:-**

1. The container currently located within the car park shall be removed within one month from the date of this permission and the scheme for parking and manoeuvring shown on drawing number '2023/372/002 Rev A' (received 30th January 2023) shall also be laid out within one month of the date of this permission. The approved parking area shall thereafter be retained unobstructed other than for the parking of vehicles in association with the Public House.  
Reason: To enable vehicles to draw off, park and turn clear of the highway in order to minimise danger, obstruction and inconvenience to users of the adjoining highway.
2. Within one month of the date of this permission, details of a solid screen to be erected to the south west end of the shelter shall be submitted to and approved in writing by the Local Planning Authority, along with a timetable for its installation. The screen shall be erected in accordance with the approved details and shall be retained in place thereafter.  
Reason: In order to minimise adverse impacts of the development upon the amenity of neighbouring dwellings.
3. No customers shall be permitted to enter or remain in the shelter hereby permitted from 21:00 hours, to the time that the premises ceases to be open to the public each day.  
Reason: In order to minimise adverse impacts of the development upon the amenity of neighbouring dwellings.
4. No lighting shall be fixed to the shelter hereby permitted unless details of such lighting have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall then only be installed in accordance with the approved details and shall not thereafter be altered without the prior express consent of the Local Planning Authority other than for routine maintenance which does not change its details.  
Reason: In order to minimise adverse impacts of the development upon the amenity of neighbouring dwellings.

5. 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 Jan 2023     | 2023/372/001 Rev A    |
| 30 Jan 2023     | 2023/372/002 Rev A    |
| 30 Jan 2023     | 2023/372/003          |
| 30 Jan 2023     | 2023/372/004          |

and in accordance with any other conditions imposed by this planning permission.

Reason: To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.

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

### **Parish Council**

Little Missenden Parish Council Object to the proposed structure on the basis that car parking spaces are lost which impacts on the local vicinity. There is also, currently, a large container in the carpark which takes up more of the parking spaces, reducing them even further. The structure also has the potential to encourage anti-social behaviour. LMPC request that terms of the alcohol licence be checked prior to any decision being made.

### **Third party representations**

Two letters of objection have been received – main points summarised below:

- Object to presence of the large container and shelter.
- A large green container in car park has been replaced with a longer blue container.
- Container has been there for over two years; Highways department has stated that it appears to be a temporary feature; questions how long the new container will be there; new container should be taken into consideration.
- A new landlord has moved in.
- ‘Smoking shelter’ is now called an ‘outside terrace and benches with pergola covering’ for 40.

One letter of objection from Grace Baptist Charities Ltd – main points summarised below:

- The negative impact of reduced car parking spaces on the locality; 13 cars have not been able to fit on the site and the number of cars has been over-estimated; a large green container in the car park since 2019 which takes up at least two other parking spaces; car park reduced to 9 spaces; limited manoeuvrability due to shelter.
- The current use of the shelter; concern that shelter will continue to act as an extension to seating capacity rather than the smoking shelter proposed in this application; current licence does not provide the necessary allowances to have 30 seats outside; support comments do not fit with use as a smoking shelter; rodent problems; increased level of noise from customers using the area until the early hours of the morning; loud shouting, singing and foul/vulgar language.
- The proposed use of the shelter; if the structure is to be used as a smoking shelter, it is too close to GBCL’s properties on Brays Lane and therefore smoke will impact the Manse and Chapel; neighbouring property opens doors and windows during hot periods; smoke fumes dangerous to local residents; GBCL’s tenants and families should be free to enjoy their garden without breathing in smoke fumes; how will 9pm cut off be enforced; smoking shelter very large, other shelters are smaller.

Five letters of support have been received – main points summarised below:

- Shelter provides a valuable asset to our village pub; use by children and families; a daytime al fresco dining area; offering an outside alternative to sitting on benches on the common.
- Sn; particularly for those who still feel uncomfortable going into busy pubs.
- Shelter is discrete and well within the public house confines; unobstructive; planted up with hanging baskets and climbers.
- Anything to assist the business during difficult trading conditions is essential for pub’s viability.

- Smoking shelter away from front door.
- No problem with open spaces being used.

**Consultation – Highways Officer:**

Hyde Heath Road is a C-classified road subject to a speed restriction of 30mph in this location. This application seeks retrospective permission for a single storey, open sided detached shelter to the side of the public house.

In terms of parking, the site is located in Residential Zone C and Non-Residential Zone 2 as set out in the Buckinghamshire Countywide Parking Guidance (BCPG) policy document. As confirmed with the Case Officer, the pub, which has food provision, now comes under a Sui Generis use and therefore does not have a specific parking requirement within the standards. As such, for the purposes of this assessment, I consider the closest parameter within the BCPG to be Use Class A3 (Public House and Restaurant), which requires 1(no) space to be provided per 12sqm of floorspace.

Mindful of the above, I consider the existing total ground floor seating area of the Public House to calculate approximately 88sqm. In addition, when assessing the plans, the floor area of the proposed shelter measures approximately 27sqm. This brings the total floor space to approximately 115sqm and as such, generates a parking requirement of 10(no) parking spaces. However, the site also comprises of a dwelling on the first floor which generates a parking requirement of 2(no) spaces. Therefore, in total, the site requires 12(no) parking spaces.

In regard to the site's existing parking arrangement, the plans demonstrate a provision of 11(no) off-street parking spaces. However I note, using online tools, there appears to be a large container at the rear of the parking area which reduces parking. As this appears to be a temporary feature, I will recommend a condition to ensure that the parking indicated on the plans are laid out prior to the initial occupation of the development.

Nonetheless, the development ultimately leads to the displacement of 1(no) parking space onto the public highway. Whilst this is the case, displacement would occur outside of the main network peaks and would not coincide with residential peaks either. In addition, there is the possibility that the dwelling on the first floor is ancillary to the Public House and used by staff members, which would subsequently reduce the site's parking requirement. With this in mind I do not consider the slight shortfall in parking provision to result in a 'severe' impact on the local road network within the context of Paragraph 111 of the NPPF, nor could this be justified as a reason for refusal of the application in this instance.

Mindful of the above, I do not have any objections to the proposed application subject to a condition.

**Consultation – Environmental Protection Officer:**

The shelter is situated in close proximity to dwellings and has been cited in a number of complaints concerning noise and artificial lighting over the past few years. In order to mitigate the potential harm to nearby residential amenity I suggest the use of the following conditions should the local planning authority be minded to grant permission (summarised):

1. Shelter not used after 9pm;
2. Details of any lighting to be approved.