



Report to East Area Planning Committee - Deferred Application

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

1.0 Matters for consideration

- 1.1 Members will recall that this application was heard by the Planning Committee at the meeting on 22nd August 2023. The original case officer's report is attached at **Appendix B**.
- 1.2 The application was deferred so that Officers could consult with the applicant to reduce the size of the pergola, to increase the number of car parking spaces and create a bin store.

2.0 Evaluation

- 2.1 Amended plans have been received which show a reduction in the length of the structure, from 11.75 metres to 8.1 metres. This is quite a considerable reduction of 31%. A bin store is now shown to be located to the south western side of the structure. Officers consider the amendments to resolve concerns raised by Members, particularly moving the seating area away from the south western common boundary.
- 2.2 In respect to the revised parking plan, the Council's Highways Officer has made the following comments:
- 2.3 "As confirmed in previous highways comments, it was considered that the site would generate a parking requirement of 12(no) spaces, including the residential unit on the first

floor. The ground floor requirement was based on the ground floor seating area which measured 88sqm, as well as the proposed shelter which measured 27sqm (115sqm in total). Whilst the floor measurement of the amended shelter has not been demonstrated, it measures approximately 21sqm. Therefore, based on the ground floor space of 109sqm, this would still generate the same parking requirement compared to the application as originally submitted (10(no) spaces). Therefore, the amendments do not alter the parking requirement of the site.”

- 2.4 The Highways response continues: “I note the parking arrangements have been altered, specifically the parking spaces located along the eastern side of the car park. The amendments include moving of the 3(no) parallel spaces closer the site boundary/Hyde Heath Road carriageway, and introducing a further parking space in the southeast corner of the car park. This would bring the site’s total off-street parking provision to 12(no) spaces. Whilst this would ensure the development would not result in displaced parking onto the public highway, I have concerns regarding the level of manoeuvrability space to allow the additional parking space to be practically accessed. However, in a worst-case scenario, if this space could not be used, it would result in a displaced parking space onto the public highway similar to the previously submitted arrangement. As mentioned in previous highways comments, displacement would occur outside of the main network peaks and would not coincide with residential peaks either, therefore the potential displacement of 1(no) parking space would not result in a ‘severe’ impact on the local road network within the context of Paragraph 111 of the NPPF. Mindful of the above, I have no objections to the application subject to the condition included within my consultation response dated 4th May 2023.”
- 2.5 Therefore, whilst the additional parking space may be fairly tight, in terms of manoeuvrability, it is usable and, in practical terms, it is the only solution, given the parking area as a whole is already quite constrained. No objections are therefore raised regarding the revised parking provision and the recommendation is subject to the same conditions as previously proposed, including an update to the plan number and the removal of the storage unit within one month of the permission being granted, which to reiterate, is a significant benefit, especially in terms of ensuring additional parking is available. Furthermore, a screen is now shown to be located on the south western end of the shelter, as referred to at the previous Planning Committee meeting, which was positively received.
- 2.6 As the structure will be reduced in size, a time limit condition will be recommended. All other conditions will remain the same and the recommendation is for conditional permission.
- 2.7 In line with the Public Sector Equality Duty the Local Planning Authority must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). It is not considered that discrimination or inequality would arise from the proposal.

3.0 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 B' (received 10th October 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, the shelter shall be altered and the solid screen shall be erected to the south west end of the shelter, all as shown on drawing number '2023/372/001 Rev B' (received 10th October 2023). The screen shall be retained in place thereafter.

Reason: In order to minimise adverse impacts of the development upon the amenity of neighbouring dwellings and to ensure the smaller structure allows for more car parking within the site.

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. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and the plan numbers listed below unless the Local Planning Authority otherwise first agrees in writing.

List of approved plans:

<u>Received</u>	<u>Plan Reference</u>
10 Oct 2023	2023/372/001 Rev B
10 Oct 2023	2023/372/002 Rev B
30 Jan 2023	2023/372/003
30 Jan 2023	2023/372/004

Reason: In the interest of proper planning and to ensure a satisfactory development of the site.

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 475679 or planning.cil.csb@buckinghamshire.gov.uk for more information.

APPENDIX A: Consultation Responses and Representations

No further third party comments received since the application previously came to the Planning Committee.

The additional consultation response from the Highways Authority has been reproduced in full in the report, above.