



Report to East Buckinghamshire Area Planning Committee

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Great Missenden

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Chartridge

Proposal: Erection of three dwellings each with a garage and amenity space. Demolition of existing garage and replacement with a new garage to rear of Holly Cottage. New vehicular access to be obtained from the construction of a private drive connecting to Ballinger Road via the existing driveway serving Holly Cottage.

Recommendation: Refuse permission

Holly Cottage, Ballinger Road, South Heath, Great Missenden, Buckinghamshire, HP16 9QH

Great Missenden

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Proposal: Variation of Condition 18 of planning permission CH/2015/1417/FA (Erection of six new dwellings with access from Twitchell Road, two detached garage blocks, parking areas and landscaping (scheme amended from seven to six dwellings) to omit garage block for plots 4-6 and replace with smaller garage for plots 5 and 6 with adjusted parking space siting, hard paving and front garden layouts for plots 4-6.

Recommendation: Defer, minded to approve, subject to the prior completion of a Section 106 Legal Agreement, with the decision delegated to the Service Director for Planning

Rear of 82 High Street, Land off Peters Close, Great Missenden, Buckinghamshire, HP16 0AN

Report to East Buckinghamshire Area Planning Committee

PL/20/0842/FA

Case Officer: Emma Showan
Date Received: 09.03.2020
Parish: Great Missenden

Decide by Date: 26.06.2020
Ward: Ballinger South Heath And Chartridge

App Type: Full Application
Proposal: Erection of three dwellings each with a garage and amenity space. Demolition of existing garage and replacement with a new garage to rear of Holly Cottage. New vehicular access to be obtained from the construction of a private drive connecting to Ballinger Road via the existing driveway serving Holly Cottage.

Location: Holly Cottage
Ballinger Road
South Heath
Great Missenden
Buckinghamshire
HP16 9QH

Applicant: Leo Homes Development Ltd

SITE CONSTRAINTS

Article 4 Direction
Adjacent to C Road
Adjacent to Unclassified Road
Area of Special Control of Advertisements
Within Chilterns Area of Outstanding Natural Beauty
Brownfields CDC
Within Green Belt other than GB4 GB5
North South Line
Within 500m of Site of Importance for Nature Conservation NC1
GB settlement GB5,6,12,23,H7,13,19

CALL IN

Councillor Peter Jones has requested that this application be referred to the Planning Committee irrespective of the Officers' recommendation.

SITE LOCATION

This application relates to a site located on the south side of Ballinger Road in the Green Belt settlement of South Heath. The site currently comprises the detached residential dwelling of Holly Cottage which is sited within a large residential curtilage. It faces onto Ballinger Road which is characterised by ribbon development along both sides with properties ranging from being detached to semi-detached and are of varying characters and types. Properties have large rear gardens although that at Holly Cottage is more than double the depth of the gardens at adjacent properties. The area has a semi-rural character and is located within the Chilterns Area of Outstanding Natural Beauty (AONB).

THE APPLICATION

This application proposes the erection of three detached dwellings to the rear of Holly Cottage; the demolition of the existing garage serving Holly Cottage and its replacement with a new garage to the rear; the

provision of a new vehicular access to serve the development to be obtained from Ballinger Road; and the provision of amenity space.

Dwelling One would be located to the rear of the existing dwelling at Holly Cottage. It would have a rear-to-rear relationship with this property. The proposed dwelling would have a maximum width of 13.2 metres, depth of 16 metres and pitched roof height of 8 metres (not inclusive of the chimney), with an eaves height of 3 metres. At ground floor level the dwelling would comprise a sitting room/home office, lounge, open-plan kitchen/dining/family room and an integrated double garage. At first floor level, the dwelling would comprise four bedrooms, two of which would be en-suite. A wrap-around garden would be provided with a depth of approximately 8 metres.

Dwelling Two would be located centrally within the development site. It would have a maximum width of 11 metres, depth of 13.5 metres and pitched roof height of 8.6 metres (not inclusive of the two chimneys), with an upper eaves height of 5 metres and lower eaves height of 3 metres. At ground floor level the dwelling would comprise a living room, sitting room/home office, utility room and an open plan kitchen/dining/family area. At first floor level, the dwelling would comprise four bedrooms, two of which would be en-suite. A single garage would be provided to the front of the dwelling and a garden with an approximate depth of 7.8 metres would be provided to the rear.

Dwelling Three would be located to the rear of the development site. It would have a maximum width of 18 metres, depth of 14.8 metres and pitched roof height of 7.6 metres (not inclusive of the chimney), with an eaves height of 3 metres. At ground floor level the dwelling would comprise a lounge, home office, utility room, open-plan kitchen/dining/family room and an integral double garage. At first floor level, the dwelling would comprise five bedrooms, two of which would be en-suite. A wrap-around garden would be provided with an approximate depth of 8 metres.

The existing dwelling on site, Holly Cottage, which fronts onto Ballinger Road, would remain largely as existing, although it is proposed to demolish the link attached garage and detached garage to facilitate the access to the proposed dwellings to the rear. A new single garage would be provided to the rear of Holly Cottage to serve the future occupiers of this dwelling. In addition, a rear garden with a depth of approximately 6 metres would be retained following the subdivision of the site.

Access to both Holly Cottage and the three proposed dwellings would be via a single access onto Ballinger Road. This is the existing access that serves Holly Cottage. It is also proposed to erect a shared surface access to serve the dwellings to the rear. This would run alongside Holly Cottage and along the north-east site boundary.

The submitted plans indicate that the three dwellings would be faced in brickwork with vertical tile hanging, elements of white render and neutral stain timber, and would include plain clay tiles.

The application also proposes to allow an extension to the neighbouring garden at Stepping Stones. Stepping Stones is currently located extremely close to the shared boundary and it is proposed to provide an extension to their garden by approximately 30 square metres to allow for greater separation between Stepping Stones and the development site.

RELEVANT PLANNING HISTORY

None at the application site.

However, the following elsewhere in South Heath are of relevance:

PL/18/4598/FA - Demolition of existing buildings and erection of 10 dwellings with garages, landscaping, car parking and vehicular access; conditional permission.

PL/18/3410/OA - Outline application for up to 6 dwellings, including demolition of one dwelling and retention of 3 existing dwellings (net addition of up to 5 dwellings) with car parking, landscaping, amenity space and

associated vehicular access (matters to be considered at this stage: access); refused permission for the following reason:

1. By virtue of the size of the site and the proposed net addition of five dwellings it is considered that the scheme fails to constitute small scale development comprising limited infilling within this Green Belt settlement. The proposed layout fails to have regard to the existing character of the area and would furthermore result in harm to the residential amenities of the occupiers of the adjacent dwellings. The application therefore fails to comply with policies GC1, GB5 and GC3 contained in the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

PARISH COUNCIL

'Whilst in principle the Parish Council does not oppose development of this site, the Parish Council opposes this application on the following grounds:

- a) It is believed that the proposed development is of such a design, appearance, layout and density as to be out of keeping with the neighbourhood with particular regard to the size and scale of existing neighbouring dwellings.
- b) The Parish Council is of the view that the proposed development is by way of both design and layout, and density, overbearing in its nature and would adversely affect neighbouring properties.
- c) The Parish Council is concerned that given the size and scale of the proposed development there is inadequate parking provision on site to meet either the current or proposed parking standards of the planning authority.'

REPRESENTATIONS

Eighteen letters of objection received which can be summarised as follows:

- Inappropriate development
- Cramped development incompatible with surrounding properties
- Change in character of the area
- Reduction to openness of the Green Belt
- Detrimental to AONB
- Inadequate garden sizes that do not conform to Policy H12
- Proposed gardens are much smaller than those at neighbouring properties
- The density is out of character
- Intrusion into No. 5 Lappetts Lane
- Increase in noise and disturbance
- Loss of visual amenity
- Overbearing development
- Ridge heights exceed those of neighbouring properties
- Insufficient parking
- Inadequate access arrangements
- Inadequate visibility splays
- Increase in volume of traffic
- Concern regarding overflow parking
- A five-bedroom house would be out of place in a confined area
- Plot 2 appears to be built over the existing main drainage servicing the village
- Undesirable precedent
- Overdevelopment
- Negative impact on local amenities and facilities
- No apparent evidence that the development is needed to meet any urgent need
- Contrary to Local Plan policies

Three letters of support from the current owner of Holly Cottage and the adjacent neighbours at Stepping Stones and De Doorns.

One neutral letter stating support for the retention of Holly Cottage.

CONSULTATIONS

Building Control Officer: 'All proposed work to comply with Approved Document M.'

Environmental Health Officer: 'Online historical mapping shows that there was a single dwelling in South Heath in 1883, the dwelling is labelled South-Heath Cottage, the surrounding area has been developed by 1945, no further maps are available.'

The site does not appear to have had a previous potentially contaminative use, the previous use of the property is unlikely to have given rise to anything more than diffuse anthropogenic contamination. However, the proposed development will have a sensitive end use. A Preliminary Risk Assessment is required as minimum.

Based on this, a contaminated land condition is recommended on this and any subsequent applications for the site.'

Highway Officer: 'Ballinger Road is a 'C' class road subject to a 30mph speed restriction. Within the vicinity, there is an absence of parking and waiting restrictions. The road does not benefit from public footpaths.'

In terms of trip generation, having interrogated the TRICS® (Trip Rate Information Computer System) database, I would expect a residential dwelling in this location to generate in the region of 4-6 vehicular movements (two-way) per day. As the proposals would see the net gain of 3 dwellings on the site, I consider that the site would be subject to intensification in use in the region of 12 - 16 vehicular movements (two-way) per day over and above existing vehicle movements. As this is the case, the access arrangements serving the site need to be assessed in order to determine their suitability to accommodate the level of movements anticipated.

14 parking spaces are proposed within the site. The parking standards specify that each parking space should be a minimum of 2.4m x 4.8m and 3m x 6m for each internal garage space. It should be noted that the double garage spaces measure slightly below these standards, however I would still consider usable. Whilst I trust that the Local Planning Authority will consider the level of parking proposed, I can confirm that these spaces are of adequate dimensions and would allow for vehicles to park, turn and leave the site in a forward gear.

The existing access from Ballinger Road is to be altered to serve the three new dwellings and also provide access for Holly Cottage (4 dwellings in total). I can confirm that this access is of sufficient width, can achieve adequate visibility and is suitable to serve the site. Furthermore, tracking information has been submitted, demonstrating a refuse vehicle and fire appliance turning within the site and exiting in forward gear.

I note that due to the quantum of the development, and resulting intensification of the access, that the access is required to be altered to be constructed in accordance with Buckinghamshire Council's guide note "Private Vehicular Access within the Public Highway". For the avoidance of doubt the new access will require a Section 184 agreement to be entered into with the Highway Authority in order to facilitate the driveway entrance.

Mindful of the above, I do not have any objections to this proposal subject to conditions.'

Tree Officer: 'I have not been able to visit the site in connection with this application because of the current coronavirus restrictions.'

The application includes an Arboricultural Impact Assessment including a tree survey, a Landscape and Visual appraisal, and Landscape Proposals.

The previous application, PL/18/3410/OA, (which was refused), was an outline application considering access only for a larger site including three other properties, and proposed the access in a different position. That

application included a different Tree Survey Report with an Arboricultural Impact Plan and a Preliminary Tree Protection Plan.

I note that the current Arboricultural Impact Assessment draws conclusions from my previous comments under PL/18/3410/OA, including:

It should be noted that in relation to a previous application (PL/18/3410/OA), comments from the tree officer acknowledged that creation of the access for that development (immediately to west of T9) would require the removal of trees along the site frontage to Holly Cottage for vision splay. The tree officer raised no objection to this, provided there was replacement planting. In this context, provided a new green frontage is created, it is considered the loss of these items is acceptable.

What I had actually commented was:

The Proposed Visibility Splays drawing shows the loss of part of the mixed hedgerows on the site frontage and some tree loss. The Tree Survey does not refer to any potential tree loss for the visibility splays. It seems likely that T35, T36 and T37 would be lost. T35 is a hornbeam with a poor structure and a weak shape that has been classified as Category U. The adjacent tree T36 is a multi-stemmed tree in fairly poor condition. T37 is a multi-stemmed purple plum that is also in poor condition and has also been classified as Category U. Consequently the visibility splays should only affect poor trees but the hedge loss would be unfortunate although it could be replaced.

The plans show the other trees on the road frontage to be retained and there should be little need to disturb the trees within the retained gardens of Holly Cottage and Orchid Cottage. Consequently, the trees specifically mentioned as potentially being removed were T6, T8 and T9 in the current tree survey, two of which are classified as Category U. The previous proposal showed T38, G19 and T39, the two hollies and much of the hedge as being retained.

It is also relevant to note that the previous application did not approve an internal layout for the site as this was a reserved matter, and the submission even included two alternative indicative layouts, so there was no specific approval for any tree loss within the site.

The current proposal uses an extension of the existing access to Holly Cottage and appears to require the loss of the entire hedges on the frontage of Holly Cottage and De Doorns. I note that the tree survey describes the hedge in front of De Doorns as being laurel but it looks like a mixed native hedge on Google Streetview. This hedge loss would affect the character of the area and change views of the site from the road. Any replacement planting on the frontage would take several years to become fully established.

I note that the large walnut tree just behind the garage of Holly Cottage, which was a Category B tree T55 in the previous tree survey, is no longer recorded as being present in the current survey, although it is shown in photographs in both the Design and Access Statement, and the Preliminary Ecology Appraisal. It is also mentioned in paragraph 4.17 of the Landscape and Visual Appraisal. The position of this tree is within the path of the proposed access drive to the new houses and it appears to have been removed to facilitate the application.

The Arboricultural Impact Assessment states:

It is proposed to remove eighteen survey items (H1, H3, H4, G5, T6, T9, T13, T14, G15, T16, T17, G18, G19, G20, T30, G33, T36 and T37) partially remove one survey item (H11) and retain seventeen survey items (T7, T8, G10, G12, T21, H22, T23, G24, T25, G26, H27, T28, G29, G31, T32, T34 and G35).

Most of the trees shown for removal are fairly small and are mainly situated within the site or on the south-western boundary with Stepping Stones. Most of the larger trees, particularly those on the northeastern and south-eastern boundaries are shown to be retained. Most of the trees shown for removal are classified as Category C in the tree survey apart from G18 hazel, which is classified as category B.

The plans suggest that it may be possible to retain G18 or at least to coppice it and allow it to re-grow, which would be a traditional form of management. The group of three Himalayan birch G31 appears to be an attractive feature group and is shown for retention.

The Landscape Proposals Plan shows thirty extra heavy standard trees including of twelve birches, two hornbeams, two cherries and four apple trees, which would be mainly around the boundaries of the site. The plans show ten pleached hornbeams along the boundary of the extended garden of Stepping Stones. New native hedging is shown to the rear of the proposed visibility splays on the front boundary.

Overall I have concerns about the tree and hedge loss on the site frontage and I regret the removal of the walnut tree to facilitate access to the site. Nonetheless I would not object to the application provided there is adequate protection for the retained trees.'

POLICIES

National Planning Policy Framework (NPPF), amended 2019.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS8, CS20, CS22, CS23, CS24, CS25, CS26.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011: Saved Policies GC1, GC2, GC3, GC4, GB2, GB4, GB5, LSQ1, H12, TR2, TR3, TR11 and TR16.

Sustainable Construction and Renewable Energy Supplementary Planning Document (SPD) - Adopted 25 February 2015.

Affordable Housing SPD Adopted 21 February 2012.

Chilterns Buildings Design Guide, February 2010.

Emerging Chiltern and South Bucks District Local Plan: 2036.

EVALUATION

Policy considerations

1. The application site is located in the Green Belt settlement of South Heath where small scale residential development may be considered acceptable in principle, subject to complying with the relevant policies of the Local Development Plan and the considerations of the National Planning Policy Framework (NPPF).
2. Paragraph 133 of the NPPF states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
3. This is followed by Paragraph 143 and 144 of the NPPF which 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. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
4. Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, a number of exceptions to this are given, and this includes limited infilling in villages.

5. This position is supported by Policy GB5 of the Local Plan which states that, in the Green Belt, within designated areas identified on the Proposals Map, such as South Heath, the Council will accept limited residential development where the development site consists of a small parcel of land in existing authorised or established residential use which is totally or substantially enclosed by existing residential development, including dwellings and not just their curtilages. A small parcel will be regarded by the Council as having an area of not more than 0.5 of a hectare and the number of dwellings will be determined by the following criteria:

- A) The curtilage for each dwelling should be of a size and shape comparable to existing surrounding development;
- B) The siting, scale and appearance of each new dwelling should be compatible with the existing character of the settlement around the development, and, where appropriate, of a size and type to suit local housing needs.

6. The site is also within the Chilterns Area of Outstanding Natural Beauty (AONB) and therefore, in accordance with the provisions of Local Plan Policy LSQ1, the proposal should conserve, and where considered appropriate and practicable, enhance the high scenic quality of the landscape.

7. Based on the above, it is considered that small scale residential development, such as that proposed within this application, could be acceptable in principle.

8. All other relevant Development Plan policies should also be complied with.

Principle of development

9. It has already been established that limited infilling in the form of small scale residential development on this site could be acceptable in principle.

10. It is noted that this development site was included under planning application PL/18/3410/OA as part of a larger outline development for the erection of up to six dwellings with car parking, landscaping, amenity space and associated vehicular access. It was considered under both this application, and application reference PL/18/4598/FA which sought planning permission for the demolition of the existing buildings and erection of 10 residential dwellings in their place, also in South Heath, that the correct approach would be to consider sites such as this under the GB5 Green Belt settlement designation set out in the Local Plan.

11. For this reason, the proposed development could be considered appropriate for small scale residential development and limited infilling, as defined by the NPPF and Local Plan GB5. Nonetheless, the scale of the proposal would still need to be considered against the definition of 'small scale' as set out in Local Plan Policy GB5 which states that 'small scale' is not "more than about" 0.5 hectares. It is considered that the 0.5ha set out in this Policy is a general guide and the policy is phrased "about" to reflect the reality that sites do not come in specific sizes. Only sites of more than 0.5ha and where the number of dwellings are not known would fall into the category of 'major development' as defined in the NPPF and the Town and Country Planning (Development Management Procedure) (England) Order 2015. Major development is also defined by developments of 10 dwellings or more. Therefore, as the site would have an area of approximately 0.4 hectares and proposes the provision of three new dwellings, it is considered that the application is not for a major development. It is further noted that planning permission PL/18/4598/FA concluded that a development of 10 dwellings would be at the top end of small scale development; this compares to the three dwellings proposed as part of this application.

12. Furthermore, the proposed development would comply with the criteria set out in Local Plan GB5 in that the site is already in established residential use and it is substantially enclosed by existing residential development.

13. Again, as referenced in the assessment of planning applications PL/18/3410/OA and PL/18/4598/FA, an important consideration is Paragraph 145 of the NPPF which supports limited infilling in villages. Court of Appeal decision Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin)

placed a requirement on the decision maker to consider the physical boundaries of a site irrespective of boundaries shown on a local plan. The judgement found that the policy wording in the NPPF relating to limited infilling in villages required the decision-maker to consider whether, as a matter of the physical characteristics of land, a site appears to be in a village.

14. When conducting an assessment based on the above, it is considered that the application site is within the GB5 Green Belt settlement designation for South Heath. The site is bordered on all four sides by residential development and two roads, all of which are within the settlement. It is therefore considered that the Policy GB5 designation includes the whole site, the site is within the village, and that in being within the village, it can be considered appropriate for limited infilling.

15. Having concluded that the site is within the settlement of South Heath, the question is then whether the proposal constitutes "limited" infilling. Policy GB5 suggests that limited infilling should be defined as a limit of one or two dwellings in a small gap in an existing row of dwellings and other substantial buildings, which form an otherwise fully developed frontage to a road. However, courts and planning appeals have concluded that the NPPF contains no advice on the interpretation of 'limited infilling'. The NPPF was adopted more recently than the Local Plan and so carries more weight than local policy considerations. In fact, whilst appeal decisions vary on the number of dwellings which may constitute limited infilling, support may be found for limited infilling in the context of the exceptions criteria for sites of between one and twelve dwellings. In addition, application PL/18/4598/FA in South Heath granted conditional permission for ten residential dwellings on the basis that this development comprised 'limited infilling.' It is therefore for the decision maker to make a considered judgement based on the characteristics of the site.

16. With regards to this development for the retention of Holly Cottage and erection of three new dwellings to the rear, it is considered that the proposal would offer the potential for infilling, in that there would be a net increase of three dwellings on site. Further, the site would be wholly enclosed by residential development and would fill in the parcel of land within it. On this basis, the development would not be harmful to one of the key aims of the Green Belt, as set out in Paragraph 134, which is to preserve openness. It is therefore concluded that the proposed development represents an acceptable form of Green Belt development, in accordance with the provisions of Paragraph 145 of the NPPF.

Design/character & appearance

17. Local Plan Policy GC1 relates to the design of development throughout the District. It states that throughout the District, the Council will permit development which is designed to a high standard and which also complies with other Policies in the Local Plan. Design includes both the appearance of the development and its relationship to its surroundings. Planning applications will be assessed in respect of these matters and with regard to the following criteria: scale of development; height of development; siting and relationship with adjoining buildings and highways; relationship of development to its site; appearance of car parking and servicing areas; building materials; form of new buildings and extensions; detailing of building work in sensitive location; and design against crime.

18. Local Plan Policy LSQ1 concerns development within the Chilterns Area of Outstanding Natural Beauty (AONB). It states that within the Chilterns AONB, the primary objective is to conserve and enhance the natural beauty of the landscape. Development should conserve, and where considered appropriate and practicable by the Council, enhance the special landscape character and high scenic quality of the AONB. The following criteria will be used to assess whether proposed development will conserve and/or enhance the special character of appearance of the landscape: a) the scale, size, siting and design of the development; b) the type, colour and texture of the external construction materials; c) the degree of harmony with the local vernacular style of architecture; d) the siting and visual impact of the development in relation to existing screening vegetation and landscape features with particular reference to screening effect; and e) other policies in this Local Plan.

19. Core Strategy Policy CS20 relates to design and environmental quality. It 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.

20. Finally, Core Strategy Policy CS22 states that the principles to be followed in the Chilterns AONB are that: a) all proposals must conserve and enhance the special landscape character, heritage, distinctiveness of the Chilterns AONB; b) all proposals must protect the setting of the AONB and safeguard views into and out of the area; c) schemes which facilitate the environmental, economic and social well-being of the AONB and its communities will generally be supported; d) means of access to enable the enjoyment of the area, other than by car, will be encouraged; e) applications for development will be assessed against the broad aims set out in the current Management Plan; and f) Development proposals must be in accordance with the Chilterns Buildings Design Guide and Technical Papers relating to materials.

21. This application relates to a site located in the Green Belt settlement of South Heath. South Heath is a modest residential settlement which has developed around Ballinger Road. Ballinger Road itself is characterised by ribbon development along both sides, with properties ranging from detached to semi-detached and being of varying characters and appearances. Dwellings throughout the settlement are set in spacious surroundings and the area has a semi-rural character with mature vegetation and hedging being common features in the street scene. The application site itself is characterised by a detached two-storey residential dwelling with a link attached single garage and an adjacent detached single garage. The dwelling is set back from the public highway with mature hedging at the front boundary. To the rear, there is a long private residential garden which is more than double the depth of that at adjacent neighbouring properties.

22. An application for development on a larger site (which also included this site) was previously considered under planning application reference PL/18/3410/OA which proposed the erection of up to six dwellings to the rear of Holly Cottage and to replace the adjacent dwelling at Stepping Stones. Whilst the principle of development was found to be acceptable, this application was refused permission for the following reason: 'By virtue of the size of the site and the proposed net addition of five dwellings it is considered that the scheme fails to constitute small scale development comprising limited infilling within this Green Belt settlement. The proposed layout fails to have regard to the existing character of the area and would furthermore result in harm to the residential amenities of the occupiers of the adjacent dwellings. The application therefore fails to comply with policies GC1, GB5 and GC3 contained in the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

23. The main differences between the scheme proposed now and the previously refused scheme is that the size of the development has been reduced. PL/18/3410/OA proposed to develop the land owned by both Holly Cottage and the adjacent neighbours at Stepping Stones and Orchid Cottage. Access to the development would have been provided to the north flank boundary of Holly Cottage and dwellings were proposed to be sited along both sides of this access. In contrast, this current application proposes the erection of three dwellings entirely within the existing rear amenity area of Holly Cottage. The dwellings would be accessed via a new access drive running to the south flank boundary of Holly Cottage.

24. The arrangement of the proposed development is such that the three dwellings would be arranged in a linear fashion, front-to-back, to the rear of Holly Cottage. The proposed access drive would run along the north flank boundary with offshoots providing access to the dwellings and their garages. In terms of the appearance of the dwellings, they would each be two-storey and detached. The dwellings would all vary in terms of their layout, but would have comparable ridge heights, dormer roof features and facing materials. This would create a sense of cohesion across the development. Given the mixed character of existing dwellings in the locality, it is considered that the design and appearance of the proposed dwellings would be acceptable. They would vary in their ridge heights between 7.6 to 8.6 metres which is comparable to the ridge heights of other dwellings fronting Ballinger Road and the two-storey dwelling at Holly Cottage which has a ridge height of 8.4 metres. For this reason, it is considered that the type, appearance and height of the proposed dwellings would be acceptable.

25. In terms of the siting of the dwellings, they would be sited in a linear, front-to-back, arrangement to the rear of Holly Cottage. The siting of dwellings without a frontage onto a highway is not unique in this area, with the existing adjacent neighbouring property at Stepping Stones also being set back, away from the highway. Therefore, the erection of a dwelling/s to the rear of Holly Cottage would not necessarily be out of character.

26. However, Local Plan Policy GC1 sets out that new development should have a positive relationship to the development site. In this respect, it is considered that the proposed layout and siting of the dwellings is such that the development would appear cramped and it would relate poorly to both the surroundings and the development site itself. Whilst dwellings adjacent to the site have long rear gardens (approximately 12 to 17 metres in depth) and are set within spacious surroundings, the subdivision of Holly Cottage's curtilage to allow for the erection of three new dwellings would result in both Holly Cottage and the proposed dwellings having garden depths of approximately 6 to 8 metres which is considerably shorter than those at neighbouring properties. It is considered that this spacing would be inadequate to serve the number of proposed dwellings on site, with the proposed development appearing considerably more cramped when compared with existing dwellings in the locality. Alongside the proposed dwellings, hardstanding would be required to facilitate the access and parking arrangements, and given the quantum of development proposed, it is considered that this would dominate the site, to the detriment of the semi-rural character and landscape quality of the AONB. It is therefore considered that, by virtue of the size of the site and the proposed net addition of three dwellings, the scheme would appear cramped, with the proposed dwellings being sited in much closer proximity to one another than other dwellings in the locality. This would be exacerbated by the short gardens which are much smaller than others at neighbouring properties and the increase in hardstanding required on site to facilitate access and parking. For these reasons, it is considered that the proposal would fail to comply with policies GC1 and LSQ1 in The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

Residential amenity

27. Local Plan Policy GC3 seeks to protect amenities throughout the District. It states that in considering proposals for development throughout the District, 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.

28. Local Plan Policy H12 relates to private residential garden areas throughout the District. It states that throughout the District, the Council will expect private garden areas to be included which conform to the following criteria as appropriate for the type of dwelling proposed. If the criteria are not met, planning permission will be refused. Each new house should have a private garden area adequate for and appropriate to the size, design and amount of living accommodation proposed. The general standard expected will be a minimum rear garden depth of about 15 metres, except in the following situations: a) where average garden lengths in the vicinity of the development site are significantly more than 15 metres, the garden lengths of the proposed houses should be similar to those in the surrounding area; b) where average garden lengths in the vicinity of the development site are significantly less than 15 metres, the garden lengths of the proposed houses should be similar to those in the surrounding area; and c) in cases where adequate private amenity space exists within the application site or where the rear site boundary abuts a public bridleway or footpath, an open field, open countryside, a recreation ground or a play field, a reduced garden depth may be acceptable.

29. The proposed development would have the biggest impact on the neighbouring properties at Holly Cottage (also part of this development site); De Doorns to the north-east; Stepping Stones to the south-west; and No. 5 Lappetts Lane to the south. The impact of the development on each of these properties will be assessed in turn below.

30. Holly Cottage is an existing detached two storey residential dwelling which also forms part of the development site. The dwelling will remain unchanged by the proposed development, with the exception of a reduction to its garden size and the demolition of its garages (to be replaced by a single garage to the rear). Plot 1 would be located to the rear of Holly Cottage and the two properties would have a rear-to-rear relationship with one another, with their respective gardens in between. Approximately 16 metres would separate the rear elevations of the two properties. This separation distance is on the modest size, further emphasising the cramped nature of the development. The proposed dwelling would appear close and highly visible when viewed from the rear garden at Holly Cottage, and vice-a-versa if Holly Cottage was to be viewed from the rear garden at Plot 1. This close relationship also would not be in keeping with the spacing elsewhere in the locality.

31. De Doorns is a two storey detached residential property located to the north-east of the development site. It is sited adjacent to Holly Cottage and roughly in line with this property. Given the separation distance between the proposed dwellings and De Doorns, approximately 16.5 metres between De Doorns and Plot 1 (the closest property), it is considered that the proposal would not appear overbearing or intrusive to the amenities of the existing neighbour. It is also noted that these properties would be sited at an oblique angle to one another, further minimising intrusion.

32. Stepping Stones is a narrow, chalet-style residential dwelling located to the south-west of the development site. It is a narrow dwelling which occupies the full width of its plot (approximately 5 metres) and it is sited towards its rear boundary, so that it is not visible from Ballinger Road. Stepping Stones currently is sited in extremely close proximity to the boundary with Holly Cottage so that views are directed towards the residential garden of Holly Cottage. As part of this application, it is proposed to remove an area of the garden currently serving Holly Cottage and it is expected that this will be sold to the occupiers of Stepping Stones to increase their amenity area and the spacing between this dwelling and the development site. The increase in spacing would improve the relationship between the development site and Stepping Stones. In terms of the siting of the proposed dwellings closest to Stepping Stones (Plots 2 and 3) these would be sited so that their flank elevations run broadly parallel to the boundary. Plot 2 would be set forward of Stepping Stones and Plot 3 would be set to rear of Stepping Stones. It is considered that this relationship would prevent the development from appearing overbearing. In terms of intrusion, it is not proposed to insert windows in the flank elevations of the dwellings on Plots 2 and 3 that would be intrusive and detrimental to the amenities of occupiers at Stepping Stones either.

33. No. 5 Lappetts Lane is a chalet-style residential bungalow located to the south (rear) boundary of the development site. This neighbouring property has a flank elevation and rear garden that run along the entirety of the boundary with the development site. Approximately 9.5 metres would separate the rear elevation of the dwelling proposed on Plot 3 and the flank elevation of No. 5 Lappetts Lane. It is considered that this separation is sufficient to prevent the dwelling on Plot 3 from appearing overbearing when viewed from inside No. 5 Lappetts Lane. In terms of intrusion, the orientation of the proposed dwelling and No. 5 is such that the first floor windows of the proposed dwelling would not face into the first floor windows at No. 5. Whilst the proposed dwelling would be visible from the rear garden at No. 5, it is considered that the separation would be sufficient to prevent an unacceptable loss of amenity. Furthermore, it is noted that there is mature vegetation/trees along the boundary of the development site with the garden at No. 5 and this provides an additional level of screening. Should the recommendation be that planning permission be granted, it would be reasonable to include a condition requiring that these trees be retained, to further secure an acceptable level of amenity for the occupiers of No. 5.

34. It is considered that adequate separation would be retained between the development site and other neighbouring properties so that no other neighbours would be affected by the proposal to a detrimental degree. Concerns raised by neighbours in relation to noise pollution, increase in disturbance during construction and impact on local infrastructure are not material planning considerations.

35. In terms of amenities for future occupiers of the development, the proposed dwellings would allow for adequate light and outlook. Each dwelling, including the existing dwelling at Holly Cottage, would provide a

private garden/amenity area. These range in depth from 6 to 8 metres. It has already been set out above that Local Plan Policy H12 requires the provision of a private garden area adequate for and appropriate to the size, design and amount of living accommodation proposed. The policy also states that proposed garden sizes should reflect the sizes of gardens at neighbouring properties. To this end, the proposed garden sizes on site would be considerably smaller than those at neighbouring properties. The nearest neighbours along Ballinger Road have garden depths ranging from 12 to 15 metres which are approximately double the length of those proposed as part of the development. Whilst the dwellings at Lappetts Lane, to the rear of the development site, have smaller gardens which are more in line with those proposed as part of the development, these dwellings along Lappetts Lane are modestly proportioned bungalows and chalet bungalows that are of a much smaller scale than the proposed dwellings. It is considered that whilst the proposed gardens may secure an acceptable level of amenity for future users, they would emphasise the cramped nature of the development and its lack of cohesion and integration with the locality.

36. The development site is accessed off Ballinger Road, which benefits from existing waste collection routes. The proposed dwellings will all provide adequate space for the storage of waste and recycling receptacles within their respective curtilages and should planning permission be granted, details of a communal waste storage area can be secured by way of a condition.

Parking/highways implications

37. Local Plan Policy TR11 relates to the provision of off-street parking for developments throughout the District. It states that the Council will require vehicle parking and manoeuvring provision to be made as part of any development in accordance with the Standards in Policy TR16. The provision should be made within the application site.

38. Local Plan Policy TR16 sets out the parking and manoeuvring standards throughout the District. It states that for dwellings where the gross floor area of the dwelling minus the garage area is 120 square metres or more, three car parking spaces per dwelling should be provided.

39. Holly Cottage and the proposed dwellings would each have a floor area in excess of 120 square metres and therefore require the provision of three parking spaces each. In this respect, a single garage and tandem parking for two vehicles would be retained for use by the occupiers of Holly Cottage (total of three spaces). An integral double garage and forecourt parking for two additional vehicles would be provided on Plots 1 and 3 (total of four spaces per dwelling). Meanwhile, a single detached garage and forecourt parking for an additional two/three vehicles would be provided for Plot 2 (total of three/four spaces). The proposed development therefore complies with the standards set out in Local Plan Policy TR16. The Highway Officer has confirmed that the proposed parking and garage spaces are usable and, should planning permission be granted for this development, then a condition can be included preventing the conversion of these garages in order to ensure that an adequate level of parking is retained on site.

40. It is proposed to use the existing access serving Holly Cottage to serve both Holly Cottage and the three new dwellings to the rear. An access drive would be provided which would run along the north-east side boundary. This arrangement has been assessed by the Highway Officer who has confirmed that the access is of sufficient width and can achieve adequate visibility and is suitable to serve the site. Furthermore, they have confirmed that a refuse vehicle and fire appliance can turn within the site and exit in a forward gear. No objections have been raised by the Highway Officer, subject to the inclusion of conditions should planning permission be granted.

Trees and landscaping

41. Local Plan Policy GC4 refers to landscaping through the District. It states that existing established trees and hedgerows in sound condition and of good amenity and wildlife value - together with any other existing landscape features of the site which are an important part its character, such as ponds, should be retained and should be shown on the submitted plans. In appropriate case, planning applications should include landscaping proposals suitable for the development proposed and the characteristics of the site, including details of any service runs and/or changes in ground level. Wherever possible, the additional landscaping

should enhance existing features of wildlife interest and planting should use native trees, shrubs, herbs or grasses where appropriate for the site.

42. The Applicant has submitted an Arboricultural Impact Assessment and a Landscape Proposal which have been reviewed by the Tree and Landscaping Officer. It is considered that although there are concerns about the tree and hedge loss on the site frontage, there is no objection to the application provided there is adequate protection for the retained trees.

Ecology

43. 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.

44. The Applicant has submitted a preliminary ecological appraisal comprising an extended Phase 1 habitat and protected species scoping survey and a preliminary bat roost assessment. The appraisal confirms that only the attached garage at Holly Cottage would be affected as a result of the proposed works and it has features potentially suitable for use by low numbers of crevice dwelling bat species. As such, further surveys are required to be undertaken to ascertain whether the garage to be demolished does host a bat roost. These surveys have not been undertaken and so it is not possible to assess whether or not the proposal would have an impact on protected species.

45. Section 99 of the ODPM Circular 06/2005 which accompanies the NPPF states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. As such, in the absence of the required further ecological survey information, it is not possible to conclude that the proposal would have an acceptable impact on protect species.

Affordable housing

46. 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, including proposals of this scale and, so, in this instance, no affordable housing contribution is required.

Conclusions and balancing exercise

47. It is acknowledged that the Council cannot demonstrate a five year supply of deliverable housing sites. Furthermore, the Draft Local Plan 2036 has been delayed and consequently carries little weight. In *Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)* [2017] UKSC 37, the Supreme Court held that the absence of a 5 year supply means that the 'tilted balance' in what is now paragraph 11 of the NPPF (in accordance with Footnote 7 to that paragraph) comes into play. Accordingly, there is a presumption in favour of granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This report has highlighted conflict with several Development Plan policies and the NPPF. In particular, this proposal would be harmful to both the character and appearance of the local area and would have an unquantifiable harmful impact on biodiversity and protected species.

48. In terms of the benefits of the scheme, the development would make effective use of the site. The three dwellings proposed would contribute to the Council's identified requirement for housing which would be an important benefit in light of the housing under-supply position. Alongside the objective of significantly boosting the supply of housing, the NPPF highlights that small and medium sized sites such as this can make an important contribution to meeting housing requirements and are often built out relatively quickly.

49. There would also be some further short-term economic benefits during the construction period as well as support for the local economy by future occupiers, and associated social benefits to the community.

50. However, the small scale of the development means that the contribution to the supply of housing more generally and the extent of the other benefits above would be more modest. Accordingly, these benefits only attract moderate weight overall in the planning balance. The absence of identified harm to the living conditions of neighbouring occupiers is a neutral factor and weighs neither for nor against the proposal.

51. The above assessment has found that the development would cause significant harm to the character and appearance of the area as well as potentially significant harm to ecology and protected species, as the importance of this as a habitat site has not been fully explored. Whether the benefits of the proposal are considered individually or cumulatively, in the context of paragraph 11(d) of the NPPF, it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, as well as the Development Plan. Paragraph 177 of the NPPF also clarifies that the presumption in favour of sustainable development does not apply where the project is likely to have a significant effect on a habitats site. The proposal would not therefore benefit from the presumption in favour of sustainable development set out at paragraph 11(d) of the NPPF. Therefore it is considered that the proposal would be unacceptable and the application is recommended for refusal.

Working with the applicant

52. In accordance with Chapter 4 of the NPPF the Council take a positive and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

53. In this case, the proposal did not accord with the Development Plan, and no material considerations were apparent to outweigh these matters. It was not considered that any changes during the course of the application would have reasonably overcome these issues, so the application was recommended for refusal on the basis of the submitted plans.

Human Rights

54. The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

RECOMMENDATION: Refuse permission

For the following reasons:-

1 The subdivision of Holly Cottage's curtilage to allow for the erection of three new dwellings would result in both Holly Cottage and the proposed dwellings having garden depths considerably shorter than those at neighbouring properties. It is considered that this spacing would be inadequate to serve the number of proposed dwellings on site, with the proposed development appearing considerably more cramped when compared with existing dwellings in the locality. Alongside the proposed dwellings, hardstanding would be required to facilitate the access and parking arrangements, and given the quantum of development proposed, it is considered that this would dominate the site, to the detriment of the semi-rural character and landscape quality of the AONB. It is therefore considered that, by virtue of the size of the site and the proposed net addition of three dwellings, the scheme would appear cramped and this would be exacerbated by the short gardens which are much smaller than others at neighbouring properties and the increase in hardstanding required on site to facilitate access and parking. For these reasons, it is considered that the proposal would fail to comply with policies GC1 and LSQ1 in The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.

2 The applicant has failed to submit the ecological surveys recommended in the submitted preliminary ecological appraisal. Without adequate survey information it is not possible to assess the impacts of the development on any potential protected species and thus meet the requirements of the NPPF. As such, there is insufficient information to demonstrate that the proposal would conserve and enhance biodiversity and the proposal is therefore contrary to Policy CS24 of The Core Strategy for Chiltern District, Adopted November 2011 and the provisions of the NPPF.

PL/20/1027/VRC

Case Officer: Emma Showan
Date Received: 25.03.2020 Decide by Date: 26.06.2020
Parish: Great Missenden Ward: Great Missenden
App Type: Variation or Removal of a Condition
Proposal: Variation of Condition 18 of planning permission CH/2015/1417/FA (Erection of six new dwellings with access from Twitchell Road, two detached garage blocks, parking areas and landscaping (scheme amended from seven to six dwellings) to omit garage block for plots 4-6 and replace with smaller garage for plots 5 and 6 with adjusted parking space siting, hard paving and front garden layouts for plots 4-6.
Location: Rear of 82 High Street, Land off Peters Close
Great Missenden
Buckinghamshire
HP16 0AN
Applicant: W E Black

SITE CONSTRAINTS

Article 4 Direction
Adjacent Conservation Areas
Adjacent to Unclassified Road
Adjacent Listed Buildings
Adjacent to Archaeological Notification Site
Within Chilterns Area of Outstanding Natural Beauty
Archaeological site
Adjacent Public Footpaths and Public Right of Way
Buckinghamshire Council Wards
Biodiversity Opportunity Areas
Critical Drainage Area
Conservation Area
Community Assets/ CDC Owned Land
North South Line
Public footpath/bridleway
Within 500m of Site of Importance for Nature Conservation NC1
Townscape Character
Great Missenden High Street

CALL IN

Councillor Gladwin has requested that this application be determined by the Planning Committee in the event the Officer recommendation is for approval.

SITE LOCATION

The application site mainly comprises the curtilage of Little Close, No. 82 High Street, which includes a Grade II listed dwelling set to the front/east of the plot just behind the generally linear built form along the High Street. The red line boundary of the site also includes a shared vehicular access/public footpath leading off Twitchell Road, and part of the residential plot of Hardwicke House which is the end property on the northern side of this road.

There is extensive tree coverage to the rear of Little Close, which is mainly old orchard land that has been neglected for some years. Little Close and the site access lie within the Great Missenden Conservation Area,

although the 1930s-built Hardwicke House is just outside this designation. The entire site is also within the Chilterns Area of Outstanding Natural Beauty (AONB).

THE APPLICATION

This application proposes to vary condition 18 of planning permission CH/2015/1417/FA for the erection of six new dwellings with access from Twitchell Road, two detached garage blocks, parking areas and landscaping.

Condition 18 states that the development must be erected in accordance with the approved plans.

It is proposed to vary this condition to allow for the omission of the garage block for Plots 4-6 and its replacement with a smaller garage for Plots 5 and 6 with adjusted parking space siting, hard paving and front garden layouts of Plots 4-6. Plot 4 would now no longer have a garage space and the replacement garage (to serve Plots 5 and 6) would take the form of a double garage with brick facings and a hipped tiled roof. It would be sited to the front of Dwellings 5 and 6.

RELEVANT PLANNING HISTORY

PL/20/1026/FA - Erection of 2 x 2 bed semi-detached cottages and carports to be served by implemented access

under consent CH/2015/1417/FA, pending consideration.

CH/2015/1417/FA - Erection of six new dwellings with access from Twitchell Road, two detached garage blocks, parking areas and landscaping, conditional permission.

CH/2015/1418/HB - Removal of part of flint and brick curtilage wall along the south boundary with the car park to the rear of Roan House. Under consideration.

CH/1984/1050/FA - Demolition of garage, store and WC to dwellinghouse and rebuilding of same. Conditional permission granted on 3rd August 1984.

PARISH COUNCIL

'The Parish Council object to these applications on the basis that:-

- a) As indicated in respect of the original applications there are concerns as to the proposed access to the development.
- b) As indicated in respect of the original applications there are concerns that the ridge height of any new properties should not exceed that of neighbouring properties so as to ensure any development is in keeping with the area.
- c) The Parish Council appreciates that any issues of boundary disputes are not strictly speaking planning matters but would invite the Planning Authority to investigate in order to ensure that the current applications have been correctly submitted and that the validation process has been properly carried out.
- d) That the overall design and appearance of the development is out of keeping with the street scene.
- e) That the proposed development is overbearing in nature and constitutes over development, seeking to expand on the existing permitted planning permission which had been granted so as to address this issue.
- f) That the layout and density of the proposed development is inappropriate for the location and out of keeping with the locality.'

Officer note: These comments from the Parish Council have been submitted in response to the cumulative impact of this application and application PL/20/1026/FA which is also under consideration by the Local Planning Authority. PL/20/1026/FA concerns the same development site, but is for a different part of the site. Each proposal has to be determined on its own merits and this current application is simply for changes to the garages and parking areas.

REPRESENTATIONS

One letter of objection received which can be summarised as follows:

- This application is an attempt to gain permission for the construction of more dwellings on site
- The application should be considered as part of PL/20/1026/FA which proposes two additional dwellings
- Eight dwellings on site have previously been refused by the Council
- Approval of this application in isolation would completely undermine the spirit of the original decision

Two letters received stating that the boundary lines showing the developer's land and fencing are incorrect on the submitted plans which have included the fence belonging to No. 80 High Street and part of the garden for No. 80a.

Officer note: This has been raised with the Applicant who has submitted amended plans to reflect the correct site boundaries.

CONSULTATIONS

Highway Officer: 'The proposed development has been considered by the Highway Authority who has undertaken an assessment in terms of the impact on the highway network including net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway objections and in this instance no conditions to include on any planning consent that you may grant.'

Tree Officer: 'The proposals appear to show the loss of eight parking spaces (a four-car garage block with a bin storage area and four forecourt spaces), some front gardens and many proposed landscape trees to be replaced by six parking spaces (a double garage and four forecourt spaces) and a blank area on the plan. I note that the submitted plan has not been amended to show the positions of the approved landscape planting so it is not completely clear which parts of the landscaping scheme would be lost. These plans do not appear to be the final proposals for the site and should probably not be considered without knowing the final proposals for the blank area on the plan.'

I am aware that there is a separate application, PL/20/1026/FA, for the "Erection of 2 semidetached dwellings and carports to be served by implemented access under planning permission CH/2015/1417/FA" with the proposed buildings within the blank area. I am not sure of the merit of a separate application, as opposed to combining it with this application, as this would lead to all sorts of associated problems.

The submission under PL/20/1027/VRC does not propose any changes to the Tree Protection Plan approved under Condition 18 of CH/2015/1417/FA nor to the Landscape Plan approved under PL/19/3173/CONDA for Condition 8 of CH/2015/1417/FA, which would both be affected by the proposed changes. It would appear to be irrational to approve any new plans under PL/20/1027/VRC that are not compatible with the existing approved plans under CH/2015/1417/FA. It would also appear to be irrational to approve a plan for a proposal that does not appear to make full use of the site.

Apart from the inconsistencies with the approved plans, I would be concerned about the apparent loss of much of the proposed tree planting on the approved landscaping scheme as a consequence of these changes.'

Officer Note: Following the above comments from the Tree Officer, an amended landscaping plan was been submitted, which is considered to overcome the concerns raised, and is addressed in the report below.

POLICIES

National Planning Policy Framework, amended 2019.

Core Strategy for Chiltern District - Adopted November 2011: Policies CS4, CS8, CS20, CS22, CS24, CS25, CS26 and CS30.

The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011. Saved Policies: GC1, GC2, GC3, GC4, LSQ1, H3, H11, H12, H18, CA1, CA2, LB2, AS2, TR2, TR3, TR11, TR12 and TR16.

Chiltern District Council Affordable Housing Supplementary Planning Document (SPD) - adopted 21 February 2012.

Chiltern District Council in Lieu Financial Contributions for Affordable Housing In Exceptional Circumstances On Housing Sites Of 5 Or More Net New Dwellings (March 2013).

Emerging Chiltern and South Bucks Districts Local Plan 2036.

EVALUATION

1. This application is submitted under Section 73 of the Town and Country Planning Act 1990 as outlined above, seeks a variation of condition 18 of planning permission CH/2015/1417/FA. In determining this application, the National Planning Practice Guidance states that Local Planning Authorities should, in making their decisions, focus their attention on national or local policies, or other material considerations which may have changed significantly since the original permission.

2. Since the granting of planning permission CH/2015/1417/FA there have been no material changes to national or local policies. The NPPF remains extant, albeit updated, and the Core Strategy for Chiltern District and The Chiltern District Local Plan Adopted 1 September 1997 remain extant also. There have been no material changes to the site circumstances either. It is therefore necessary to consider whether the proposed amendments to the approved scheme are acceptable. It is noted that application PL/20/1026/FA is also pending consideration by the Council. This application concerns the erection of two two-bedroom semi-detached cottages and carports on the same development site. This application has not yet been determined. Whilst of relevance, this application must be assessed on its own merits and a recommendation should not be made on PL/20/1027/VRC that pre-empts any decision made in respect of PL/20/1026/FA.

3. In terms of the proposed alterations, it is proposed to vary the approved plans to allow for the omission of the garage block for Plots 4-6 and its replacement with a smaller garage for Plots 5 and 6 with adjusted parking space siting, hard paving and front garden layouts of Plots 4-6. Plot 4 would now no longer have a garage space and the replacement garage (to serve Plots 5 and 6) would take the form of a double garage with brick facings and a hipped tiled roof. It would be sited to the front of Dwellings 5 and 6.

4. In terms of the impact of the proposed change on the character of the development, it is considered that the loss of garage parking for Plot 4 and subsequent reduction to the size of the garage for Plot 5 and 6 would not have a detrimental impact on the appearance of the scheme. The double garage serving Plots 5 and 6 would have a simpler and more modest appearance to reflect that of the double garage serving Plots 1 and 2, and would be re-located away from the approved siting along the north-western site boundary to be now sited forwards of Dwellings 5 and 6. The siting of the amended garage would reflect the siting of the double garage serving Dwellings 1 and 2, albeit located forwards of Dwellings 5 and 6. For this reason the amended design and siting is considered to be in keeping with the wider development and is therefore acceptable. In addition, it is noted that the incorporation of a smaller garage would open up views elsewhere in the site, in addition to leading to a reduction in hardstanding. This would allow for a greener, more pleasant communal amenity area where the garage was to be previously sited. Given the siting and nature of the proposed amendments, they are not considered to have a detrimental impact on the Conservation Area of adjacent Listed buildings.

5. The relocated garage would be sited further away than the previously approved garage from the existing neighbours adjacent to the site. For this reason, it is considered that the proposed smaller and relocated garage would have an acceptable impact on adjacent neighbouring amenities. The proposed garage would be sited closer to Dwellings 5 and 6 so that the outlook from these properties is onto the proposed garage. Nonetheless, adequate separation would be retained between these dwellings and the garage so that

adequate light and outlook would be retained for the proposed residential properties. In order to facilitate the relocation of the garages, the front gardens of Plots 4, 5 and 6 would be reduced in depth, however these properties will retain adequate rear amenity spaces of sufficient depth/width to accommodate the needs of future occupiers. The reduction to the size of the front gardens is therefore acceptable, and it is noted that the front gardens for Plots 4, 5 and 6 would now be comparable to those of Plots 1, 2 and 3, providing a level of consistency across the development. The waste and recycling provision will remain as approved.

6. The amendments to the garage block and parking layout will result in the loss of parking spaces on site. The previous scheme proposed 15 parking spaces for six residential units (including an over-provision for one of the units) whereas the amended scheme will provide 13 spaces.

Approved scheme:

Plot 1: 3 spaces including one garage.

Plot 2: 2 spaces including one garage.

Plot 3: 2 spaces including one garage.

Plot 4: 2 spaces including one garage.

Plot 5: 2 spaces including one garage.

Plot 6: 4 spaces including 2 garages.

Amended scheme:

Plot 1: 3 spaces including one garage.

Plot 2: 2 spaces including one garage.

Plot 3: 2 spaces including one garage.

Plot 4: 2 spaces no garage.

Plot 5: 2 spaces including one garage.

Plot 6: 2 spaces including one garage.

Plots 2, 4 and 5 are less than 120 sqm in GFA and are provided with two spaces, which accords with the Council's standard for this size of dwelling. Plots 1, 3 and 6 exceed 120 square metres in GFA and the Council's standard for this size of dwelling is three spaces. Whilst Plot 1 would be provided with 3 spaces to accord with the Council's parking standard for this size of dwelling, plots 3 and 6 would fall short of the Council's standard by one space each. It is noted that Plot 3 (under the approved scheme) fell short of the Council's standard by one space and therefore the deficiency has only been increased by one parking space (as, previously, Plot 6 had four spaces, which was one space above the parking standards). As the site is located in a village and within close proximity to amenities and public services, it is considered that the shortfall of one space when assessed against the Council's parking standards would be acceptable and it would not be possible to sustain a reason for refusal based on this very minor level of parking deficiency.

7. The access to the development site will remain unaltered by the proposed amendments to the garages/parking on site. Nor does the proposal seek to increase the amount of residential accommodation on site. Accordingly, the amendments are not considered to have a detrimental impact on the adjacent highway or local highway network. The Highway Officer has raised no objection to the application.

8. The proposed amendments to the garages and parking will have an impact on the proposed tree planting and landscaping scheme on site. The submission under PL/20/1027/VRC does not propose any changes to the Tree Protection Plan approved under Condition 18 of CH/2015/1417/FA however an amended landscaping plan has been submitted. This plan was submitted following the comments from the Tree Officer and is considered to overcome the concerns raised, allowing for adequate landscaping to be provided as part of the development.

9. With regard to affordable housing provision, the government recently re-introduced exemptions to local affordable housing policies for small-scale developments (10 dwellings or less where the gross floorspace is also no more than 1,000sqm) through an update to the Planning Practice Guidance (PPG). However, the PPG also permits the Council to apply a lower exemption threshold of 5 units or less in

designated areas, which includes Areas of Outstanding Natural Beauty, although where 10 or fewer dwellings are proposed the Council can only seek a financial contribution towards affordable housing.

10. Consequently, the Council would require that an affordable housing contribution of £166,600 is secured, which is based on the following calculation:-

- 1 dwelling would otherwise be required through on-site provision when applying Policy CS8;
- Average dwelling size in the development = 119 sqm;
- In lieu financial contribution for new housing = £1,400/sqm (figure in accordance with the Council's 'In Lieu Financial Contributions for Affordable Housing In Exceptional Circumstances On Housing Sites Of 5 Or More Net New Dwellings' document);
- Total contribution = 119sqm x £1,400/sqm = £166,600.

11. The Applicant previously entered into a Section 106 Agreement as part of planning application CH/2015/1417/FA to secure this sum for the provision of affordable housing elsewhere in the District. This current application will continue to require the provision of affordable housing elsewhere in the District and so an amended legal agreement will be required as part of this application. Subject to the completion of this legal agreement, no objections are raised with regards to affordable housing.

12. The Applicant is also advised that since the granting of planning permission CH/2015/1417/FA, the Council has adopted the Community Infrastructure Levy (CIL) as a charge on development. This is tariff-based and enables local authorities to raise funds to pay for infrastructure. The Applicant will be issued with a CIL Liability Notice setting out the further requirements that need to be complied with.

13. Finally, the conditions attached to application CH/2015/1417/FA are still considered necessary and applicable to this variation of conditions application.

Working with the applicant

In accordance with Chapter 4 of the National Planning Policy Framework, the Council, in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

The Council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, the Council has considered the details as submitted which were considered acceptable.

The following recommendation is made having regard to the above and also to the content of the Human Rights Act 1998.

Recommendation - Defer, minded to approve, subject to the prior completion of a Section 106 Legal Agreement, with the decision delegated to the Service Director for Planning.

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 the previous permission PL/19/1224/FA.

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 and Country Planning Act 1990, as amended.

2 The widening of the access road and improvements to Twitchell Road shall be undertaken in accordance with the details submitted to the Council on 12th September 2019 in relation to planning

permission CH/2015/1417/FA unless alternative details have been agreed in writing by the Local Planning Authority.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development, after and during construction, in accordance with policies TR2 and TR3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS25 and CS26 of the Core Strategy for Chiltern District (Adopted November 2011).

3 The proposed development shall be erected in accordance with the section/levels plans submitted to the Council on 12th September 2019 in relation to planning permission CH/2015/1417/FA unless alternative details have been agreed in writing by the Local Planning Authority.

Reason: To protect, as far as is possible, the character of the locality and the residential amenities of neighbouring properties, in accordance with policies GC1, GC3 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

4 The materials to be used in the external construction of the dwellings and garages hereby permitted, including the facing materials, roofing materials and surface materials for the road and parking areas and new boundary walls, shall be in accordance with the details submitted to the Council on 12th September 2019 and in relation to planning permission CH/2015/1417/FA unless alternative details have been agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality, the conservation area and the setting of the listed building, in accordance with policies GC1, H3, CA1, CA2 and LB2 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).

5 Prior to the commencement of the development hereby permitted, the programme of archaeological work, details of which were submitted to the Council on 12th September 2019 in relation to planning permission CH/2015/1417/FA, shall be implemented in full, unless an alternative scheme has been agreed in writing by the Local Planning Authority.

Reason: To safeguard the important archaeological interest of the site, in accordance with Policy AS2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011 and the provisions of the National Planning Policy Framework.

6 The proposed development shall be erected in accordance with the construction management plan submitted to the Council on 12th September 2019 in relation to planning permission CH/2015/1417/FA unless alternative details have been agreed in writing by the Local Planning Authority.

Reason: To minimise danger and inconvenience to highway users, in accordance with Policies TR2 and TR3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS25 and CS26 of the Core Strategy for Chiltern District (Adopted November 2011).

7 The boundary fencing/walls to be erected in accordance with the development hereby permitted shall be erected in accordance with the details submitted to the Council on 12th September 2019 in relation to planning permission CH/2015/1417/FA unless alternative details have been agreed in writing by the Local Planning Authority. The approved boundary treatments shall then be erected/constructed prior to the occupation of those dwellings and thereafter retained in situ. No other fences or walls shall be erected within the site, forward of the dwellings, other than as agreed under this condition or as shown on the approved plans.

Reason: To protect, as far as possible, the character of the locality and to provide sufficient garden space and quality, in accordance with policies GC1, GC3, H3 and H12 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).

8 The development shall be erected in accordance with landscaping plan reference: PRI22631-11 submitted to the Council on 27th May 2020 unless alternative details have been agreed in writing by the Local Planning Authority.

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

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

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

10 Before any other site works commence on the development hereby permitted, tree protection fencing shall be erected around the retained trees and hedges in accordance with both British Standard 5837:2012 and the Tree Protection Plan Rev D dated August 2016 by Merewood Arboricultural Services. This fencing shall then be retained in these positions until the development is completed. During this period no materials whatsoever shall be stored, no fires shall be started, no excavation shall take place and there shall be no change in ground levels within these enclosed areas. Furthermore the other tree protection measures described in the Arboricultural Implications Assessment and Method Statement dated 08/08/16 by Merewood Arboricultural Services, including the no-dig construction shown on the Tree Protection Plan, shall be implemented in accordance with the details in the document.

Reason: To ensure that the existing established trees and hedgerows within and around the site that are proposed for retention are safeguarded during building operations, to maintain the character of the locality in accordance with Policies GC1, GC4 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

11 No tree or hedge shown to be retained on the Tree Protection Plan Rev D dated August 2016 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 maintain, as far as possible, the character of the locality, in accordance with policies GC1, GC4 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

12 Prior to the occupation of any of the dwellings hereby permitted, an acoustic fence or an alternative proposal to mitigate noise and disturbance arising from vehicular activity, movement and associated activity from the access road, shall be erected along the boundary between the access road and the rear garden of Hardwicke House in accordance with details (elevational drawings and a site plan) that shall be submitted to

and approved in writing by the Local Planning Authority. The approved mitigation measures shall remain in situ thereafter.

Reason: To protect the amenities of this adjoining property arising from vehicle disturbance, 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.

13 The scheme for parking, garaging and manoeuvring shown on the submitted plans shall be laid out prior to the initial occupation of any of the dwellings hereby permitted and those areas shall not thereafter be used for any other purpose. The garages shall not be converted to provide habitable accommodation at any time and shall remain available for the parking of vehicles.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway, in accordance with policies TR2, TR3, TR11 and TR16 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policies CS25 and CS26 of the Core Strategy for Chiltern District (Adopted November 2011).

14 The bin stores for the dwellings shall be implemented in accordance with the approved plans prior to the occupation of any of the dwellings. The bin stores shall thereafter be retained for that purpose.

Reason: To ensure that the occupiers of the dwellings hereby permitted have space to store domestic waste, so that the development does not appear cluttered, in accordance with policies GC1, GC3 and H3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

15 The first floor windows in the southern flank elevation of the dwelling on Plot 1 hereby permitted shall only be glazed with obscured glass and shall be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which that window is installed.

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.

16 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 windows/dormer windows other than those expressly authorised by this permission, shall be inserted or constructed at any time in the southern flank elevation of the dwelling on Plot 1 hereby permitted.

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.

17 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990, or 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 alterations shall take place to the appearance of the front roofslopes of the dwellings or to the roofslopes of any of the garages hereby permitted, including the insertion of rooflights or solar panels, unless planning permission is first granted by the Local Planning Authority.

Reason: To protect the setting of the adjacent listed buildings and in order that the Local Planning Authority can properly consider whether any future proposals would be detrimental to the character of the locality, in accordance with policies GC1 and LB2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011 and Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

18 AP01 Approved Plans

INFORMATIVES

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.

The End