AGENDA ITEM No. 5

5 TREE PRESERVATION ORDER NO.4 of 2015 – LAND AT SANDALWOOD, 5 DEANWAY, CHALFONT ST GILES, HP8 4JH

5.1 The above Tree Preservation Order was made under delegated powers on 24 August 2015 in respect of a pine tree marked T1 on the map attached as Appendix 1.

5.2 The Order was made because: 
“The Scots pine is an important amenity tree that makes a significant contribution to the character of the area. There is a current Conservation Area notification (reference CH/2015/1337/KA) for the removal of the tree because of concerns about excessive shading and low amenity value. However, the tree appears to be in reasonable health and, as it is situated at the end of the rear garden, it should have a limited effect on the nearby properties. Furthermore it has a high amenity value as it is a prominent skyline feature that can be seen from many surrounding public viewpoints.”

5.3 A letter of objection, dated 29 September 2015, has been received from Mr & Mrs J Bainbridge of 5 Deanway, Chalfont St Giles and is attached as Appendix 2.

5.4 Four letters of support have been received and copies of these letters are attached as Appendix 3.

5.5 The Council had received a Conservation Area notification, reference CH/2015/1337/KA, from Mr John Bainbridge on 13 July 2015 for the removal of five conifers and the reduction of two conifers at Sandalwood, 5 Deanway, which is within the Chalfont St Giles Conservation Area. This included the removal or reduction by 50% of the Scots pine at the end of the garden which was described as T1 in the notification.

5.6 The report on the notification stated:
“The Scots pine T1 is an important amenity tree situated at the end of the rear garden that makes a significant contribution to the character of the area. The tree appears to be in reasonable health and it is a prominent skyline feature that can be seen from many surrounding public viewpoints. Consequently it is considered that a Tree Preservation Order would be expedient to protect the tree.
The other four conifers proposed for removal are small trees with little public visibility. The other two conifers are larger and can be seen from the road but are not considered to be of special importance to the character of the Conservation Area.”

5.7 A Tree Preservation Order was made to protect the pine but no Tree Preservation Order was made to control the other work. The other four conifers have now been removed and some decking has been constructed in the rear garden of the property but the two conifers proposed for reduction have not yet been reduced.

5.8 The Scots pine tree protected by the Tree Preservation Order is a mature tree about 16m in height with little indication of previous tree surgery. It has developed a fairly flat top with
some large side branches high in the crown indicating that growth upwards has now slowed significantly as the tree has matured. The tree can be seen from various public viewpoints in Deanway and Bowstridge Lane as well as in some more distant views. It is a prominent feature that is seen as a backdrop in many views and it makes a significant contribution to the character of the Chalfont St Giles Conservation Area.

5.9 The letter of objection from Mr & Mrs Bainbridge questions the amenity value of the tree and raises concerns about shading and the effects of the tree on the adjacent garage.

5.10 Mr & Mrs Bainbridge state that “we do not believe that the tree is an attractive addition or lends any beauty to the skyline”. This is not a view shared by Council officers or the neighbours who have written in support of the Tree Preservation Order seeking the retention of the tree. Their comments include “I would never support cutting down the tree”, “I agree wholeheartedly that this tree should be protected and that it’s a prominent skyline feature”, and “The tree in question is, in my opinion, a beautiful healthy tree and the contribution it makes to the character of the area immense. One of the reasons I moved to my house is because of the surroundings and view from my windows. I would be very sorry to see this tree destroyed as if it were nothing”.

5.11 Nonetheless there are some comments in these letters suggesting that the tree should be properly maintained. The making of a Tree Preservation Order does not prevent all work to a tree but it does mean that most work would require an application to the Council. If a branch is dead or poses an immediate risk of serious harm it would be regarded as exempt from the requirement for an application. Other work to overhanging branches would normally require an application but reasonable management work would usually be granted consent especially if such work does not have a significant harmful effect on the amenity value of the tree concerned.

5.12 The Scots pine is growing on the southern side of Deanway and has some potential to cause shading. However, it is about 25m away from the terrace of cottages along the road and it is about 12m away from Stonewells Barn so it would not have a significant shading effect on any residential building. There would however be some shading within some of the adjacent gardens particularly Stonewells Barn, which would be affected on sunny afternoons. However the owner of Stonewells Barn has stated that she does not want the tree removed and furthermore the shading would only affect any part of the gardens for a relatively short period of time.

5.13 The Scots pine is growing at the end of the garden of Sandalwood about 2m away from a garage owned by Stonewells Barn. This wooden garage appears to be set on a concrete slab at a level of about 0.5m higher than the base of the tree and separated from it by a small retaining wall. There has been no suggestion of any existing damage to the garage and it seems unlikely that any roots from the tree would affect the garage in the future with the difference in levels. Some lower branches of the tree are about a metre above the roof of the garage and some needles from the tree have fallen on to the roof but there are no obvious signs of any significant damage.

5.14 At the present time the Scots pine is quite heavily covered with ivy. The removal of this would be sensible management that would both increase light in the vicinity and reduce the weight on the tree without the need for any permission from the Council. There is also a small Norway spruce beside the Scots pine that is slightly closer to the garage than the pine and is partially suppressed by it. If this were removed, with the necessary Conservation Area notification, this would also increase light in the vicinity and reduce the risk to the garage. If both of these actions were carried out it would be easier to assess the condition of
the lower branches of the pine and there may be some scope for crown lifting to increase the clearance of the branches from the roof of the garage without having a significant effect on the appearance of the tree.

5.15 However the notification mentioned the possibility of reducing the size of the Scots pine by 50%. A reduction by this extent would have a dramatic effect on the appearance of the tree, spoiling its natural shape and having a significant adverse effect on its amenity value. There may be some scope for some minor pruning and shaping including some careful reduction of some longer side branches, which would help to improve the light situation.

5.16 In summary, the Scots pine is an important amenity tree which makes a significant contribution to the character of the area. It does not appear to be causing significant shading problems or having a significant effect on the nearby garage. Nonetheless these problems could be improved by the removal of ivy from the tree, the removal of the adjacent Norway spruce and perhaps some minor tree surgery to the Scots pine. Consequently I recommend that the Order should be confirmed without modification.

**RECOMMENDATION**

That the Tree Preservation Order No. 4 of 2015 made on 24 August 2015 be confirmed without modification.

Background papers: (None)
lawfulness applications and selected prior notifications.

6.5 Graph 2 shows totals for complete monitoring years between since 2001/2 and the first half of 2015/16.

6.6 Since the end of May 2013, some developments which would previously have required planning permission, now only require an application to the local planning authority for a decision as to whether or not prior approval is required for “permitted development” (PD) rights (i.e., relating to domestic extensions and a variety of changes of use to and from commercial uses, including offices to residential). Since April 2014, the number of notifications determined has been reported separately to the DCLG. The Council received 49 such notifications during the first half of 2015/16.

6.7 In addition to the above applications and notifications received, a further 235 ‘other types’ of applications and determinations but which are not reported to DCLG were received.
These and the 49 ‘PD’ notifications received represent a further 30% of additional work received. As well as applications to discharge conditions on planning permissions, they include non-material amendments to existing permissions, applications to carry out work to trees covered by a preservation order and in conservation areas, consultations on applications to be determined by adjoining District Councils.

6.8 In addition to ‘other types’ of applications, 89 chargeable pre-application enquiries and meetings were received or held.

Applications Determined

6.9 A cumulative total of 908 applications were determined. This compares with 921 during the same period in 2014/15. The total so far in 2015/16 includes 102 certificate of lawfulness applications and selected prior notifications but which are not used by the DCLG in their decision making performance calculation.

6.10 Also not included in the number determined are applications that are withdrawn before a decision is made and which can often involve a significant amount of officer time. So far during 2015/16, 55 applications have been withdrawn, which is in line with the quarterly average of 26. In a year it represents around 6% of applications received by the Council.

Delegated Decisions

6.11 Of the overall total of 908 decisions made, 863 (95.04%) were made under "delegated" powers. The remaining 45 decisions were made by this Committee.

Time Taken to Determine Applications – By Development Type

‘Major’ category of applications (Graph 3)

6.12 4 'Major' applications were determined in the first half of 2015/16. All were determined within the statutory 13-week time period or an extended time period agreed with the applicant (EOT). At 100%, performance was above the Chiltern target of 70%. This continued high level of performance is important in respect of avoiding 'special measures' designation by the Government.

Comment [PB1]: Covalent says that this figure is 95.04%
Special measures' and application performance

6.13 For ‘special measures’ introduced during 2013 by the Government, the performance of local planning authorities is assessed in two ways, i.e., the ‘speed’ at which decisions are made on ‘Major’ planning applications and the extent to which decisions on ‘Major’ applications are subsequently overturned [allowed] at appeal. The latter is considered to be an indicator of the ‘quality’ of decisions made.

6.14 During 2014 the ‘special measures’ threshold for determining Major applications was raised from 30% to 40%. During the summer of 2015 the threshold was increased further to 50% of decisions within the statutory 13-week period. This is still below the Chiltern ‘target’ of 70%.

6.15 During October and November each year the Secretary of State considers whether any Councils should be placed under ‘special measures’ based on Major planning application performance data from the preceding two-year period ending on 30th June of that year. Performance in the first quarter of 2015 (April to June) falls into the two-year assessment period ending on 30th June 2015 and will be used by the Government when it considers special measures designation at the time this report is considered. Performance in the second quarter of 2015/16 (July to September) will be included used in the assessment undertaken in the autumn of 2016.

6.16 During the July 2013 to June 2015 assessment period, a total of 41 Major applications were determined. Of these 36 were determined within the statutory 13-week period or an agreed EOT. This means at 87.8%, cumulative performance is well above the 50% special measures threshold. Therefore, on the basis of this ‘speed’ criterion, the Council should not be selected for special measures designation in 2015.

6.17 The outcome of ‘Major’ applications that are refused permission and which go to appeal is the second ‘special measures’ assessment criterion. Further details about this are given in the appeal performance section at the end of this report. It is important to note that assessment for designation can be against application and appeal performance either independently or both together.

Minor category of applications (Graph 4)

6.18 135 ‘Minor’ applications were determined during the first half of 2015/16. Of these 111 decisions were made within the statutory 8 week period or an agreed EOT. This equates to performance of 82.22% which is above the Council’s 70% target. It compares with performance of 81% during the whole of 2014/15.

Comment [PB2]: covalent says that this figure is 82.22%
6.19 Up to 31st March 2014, performance of decision making on certificate of lawfulness applications and a very limited number of prior notifications of development were included by DCLG in the ‘Other’ category of applications. However, from that date they have been excluded.

6.20 In April 2014, the Chiltern performance target for determining ‘Other’ applications within the statutory 8-week period was increased from 90% to 91%. On 1st April 2015 it was increased to 92%.

6.21 A total of 669 ‘Other’ applications were determined in first half of 2015/16. Of these 615 were determined within the statutory 8-week or EOT periods. Performance was just marginally below target at 91.93% (Graph 5). This compares with cumulative performance of 94.3% for the whole of 2014/15.

Comment [PB3]: covalent says this figure is 91.93%
6.22 85% of decisions made were permissions, consents or approvals. This excludes decisions made on ‘certificate of lawfulness’ applications and selected prior notifications.

**On Hand Applications (Graph 6)**

6.23 312 applications were ‘on hand’ at the end of September 2015. This is a reduction of 14 from the end of March 2015 figure. In line with DCLG guidance introduced last year, the September on hand total excludes 34 ‘certificate of lawfulness’ applications awaiting a decision.

6.24 Of the total on hand, 214 (69%) had been ‘on hand’ for less than the relevant statutory determination period of 8 or 13 weeks. This compares with 84% of the total number on
hand at the end of March 2015.

6.25 22 applications had been on hand for 6 months or more at the end of September. Of these 11 had been on hand for more than a year. Of the 11 applications, 5 were deferred for a legal agreement, 5 were subject to investigation for an alleged breach of planning control and 1 relates to an application by the District Council at the London Road Depot.

**Planning Appeals Determined and Lodged (Graphs 7 and 8).**

6.26 A total of 55 appeals were determined in the first half of 2015/16, of which 48 were monitored for the Council’s performance indicator CdSD8 (C). The 7 appeals not monitored relate to the variation of a condition on a planning permission, enforcement notices served by the Council, works to trees covered by a preservation order, a certificate of lawfulness application and an agricultural building prior notification.

6.27 Of the 48 appeals monitored, 18 were allowed (overturned) by the Planning Inspectorate. This equates to cumulative performance of 37.5%. This is slightly worse than the Chiltern target of ‘35% or less’ although this underperformance equates to just one decision. It compares with performance of 39% during the whole of 2014/15. As Graph 7 shows, performance each quarter can vary significantly.

![Graph 7 - Percentage of Appeals Allowed Each Quarter](image)

6.28 Lastly, 40 new appeals were lodged in the first half of 2015/16. 36 relate to planning applications with 3 relating to certificate of lawfulness applications and 1 to an enforcement notice served by the Council (Graph 8).
‘Special measures’ appeal performance

6.29 As mentioned above in relation to performance on determining ‘Major’ applications, a ‘special measures’ criterion assesses performance based on the number of ‘Major’ applications determined that are then ‘overturned’ (allowed) at appeal. The time period for assessment of appeal performance has a 9-month delay built-in to enable the majority of decisions on ‘Major’ planning applications to be followed through to any appeals that may be lodged and for their outcome to be known.

6.30 The 2 years and 9 months period that will be used by the Government for the 2015 assessment of Major application decisions overturned at appeal ended on 30 September 2015.

6.31 During the assessment period, 39 Major applications were determined by the Council. Of these, 6 were appealed of which 2 were overturned (allowed) by the Planning Inspectorate. This represents cumulative performance of 5.13%, which is better than the special measures target of ‘less than 20%’.

6.32 Therefore based on this level of performance the Council should not be selected for special measures on the quality of decision making on Major applications.

The Committee are requested to note this report.

Background papers

- Planning Service quarterly statistical returns to the Department of Communities and Local Government (PSF/PS1&2 - District) – 1st April to 30th September 2015 and previous quarters.
- Planning Service records of planning appeals determined by the Planning Inspectorate – 1st April to 30th September 2015 and previous quarters.

6.33 NEW PLANNING AND ENFORCEMENT APPEALS

Contact Officer: Jayne Froome (01494 732162)

CH/2015/0816/FA - Redevelopment of site to provide three detached dwellings with associated hardstanding and landscaping, Garden Cottage, 59 Denham Lane, Chalfont St

Classification: OFFICIAL
Peter

**CH/2015/0865/FA** - Change of use of first floor and second floor from offices (Use Class B1a) to create one residential unit (Use Class C3) to include removal of central chimneystack at ground and first floor, 8-10 Red Lion Street, **Chesham**

**CH/2015/0930/HB** - Alterations to facilitate use of first floor and second floor as one residential unit (Use Class C3) to include removal of central chimneystack at ground and first floor, 8-10 Red Lion Street, **Chesham**

**CH/2015/1107/FA** - Two storey side, first floor side extensions, single storey front, single storey rear extensions (amendment to planning permission CH/2015/0482/FA), Edgerton, 40 Orchehill Avenue, **Chalfont St Peter**

**CH/2015/1136/FA** - Construction of two detached dwellings with associated hardstanding, Brynawell, Beech Grove, **Amersham**

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**6.34 APPEAL DECISIONS**

*Contact Officer: Jayne Froome (01494 732162)*

**CH/2014/2066/FA** - Redevelopment of site to provide two detached dwellings served by new shared access, 11 Netherwood Road, Knotty Green, **Beaconsfield**

Officer’s recommendation – Refuse permission

Appeal Allowed (11.11.2015)

**CH/2014/2209/FA** - Four ancillary structures for the growing and display of plants and related products (retrospective), Rowan Garden Centre, Gorelands Lane, **Chalfont St Giles**

Officer’s recommendation – Refuse permission

Split Decision (11.11.2015)

**CH/2015/0743/FA** - Part two storey, part single storey rear extension and front dormer window (Amendment to approved planning CH/2014/2284/FA), Flowerdene, 60 Oakington Avenue, **Little Chalfont**

Officer’s recommendation – Refuse permission

Appeal Dismissed (28.10.2015)

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**6.35 CONSENT NOT NEEDED**

**CH/2015/1691/HB** - Erection of Log Cabin (Retrospective), Lace Cottage, High Street, **Great Missenden**

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**6.36 WITHDRAWN APPLICATIONS**

**CH/2015/0842/FA** - Change of use from light industrial (Use class B1(c)) to residential (Use class C3) and redevelopment of site to include conversion of barn to 2 x maisonettes and 2 x flats, extensions and alterations to existing cottage and terrace house to form 2 residential units, construction of new dwelling all with associated parking, soft and hard landscaping, IDF Ltd, Lords Mill and 10 Moor Road, **Chesham**

**CH/2015/0847/HB** - Redevelopment of site to include internal and external alteration to Grade II listed barns and cottage, IDF Ltd, Lords Mill and 10 Moor Road, **Chesham**

**CH/2015/0991/FA** - Construction of two storey dwelling with single detached garage, Land Adjacent To 12A Orchard Park, **Holmer Green**

Classification: OFFICIAL
CH/2015/1497/SA - Application for a Certificate of Lawfulness for a proposed operation relating to the erection of single storey rear extension, The Cottage, Kiln Road, Prestwood

CH/2015/1531/FA - Part two/part single storey side rear extension with garage, new entrance and associated landscaping to northwest boundary, Crossways, Bull Lane, Chalfont St Peter

CH/2015/1564/FA - Change of use of land to station 5 timber ‘camping pods’ and conversion of existing barn to provide ancillary shower/WC facilities, Land Off Chesham Lane, Kings Ash

CH/2015/1635/FA - Single storey front extension, first floor link extension to facilitate the conversion of outbuilding to habitable accommodation with first floor extension, 51 Tylers Hill Road, Chesham

CH/2015/1644/PNDS – Prior Notification under Class P of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 – Change of use from storage or distribution (Use Class B8) to six residential units (Use Class C3), 9 Higham Road, Chesham

CH/2015/1645/PNDS - Prior Notification under Class P of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 – Change of use from storage or distribution (Use Class B8) to three residential units (Use Class C3), Unit 3, 20 Higham Road, Chesham

CH/2015/1777/SA - Application for a Certificate of Lawfulness for a proposed operation relating to the erection of single storey side extensions to northwest and southeast, single storey rear extension, single storey front extension, dormer windows to existing roof, the erection of an ancillary building, Tall Firs, Blackwell Hall Lane, Ley Hill

6.37 INFORMATION REGARDING PLANNING APPLICATIONS TO BE DETERMINED


Background papers for each of these planning applications, unless otherwise stated, are the application form and related letters, statements and drawings, notices, papers, consultations, and any written representations and comments received.

Reports may be updated at the meeting if appropriate, for example, where responses from consultees or further letters of representation are received.

AGENDA ITEM No. 7

7 REPORTS ON MAIN LIST OF APPLICATIONS

AGENDA ITEM No. 8

8 EXCLUSION OF THE PUBLIC
That under Section 100(A)(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting of the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.