



## Report to Strategic Sites Planning Committee

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<b>Application Number:</b>	PL/21/4632/OA
<b>Proposal:</b>	Outline application for the demolition of all existing buildings and the erection of residential dwellings including affordable housing, custom build (Use Class C3), retirement homes and care home (Use Class C2), new vehicular access point off Burtons Lane, improvements to existing Lodge Lane access including works to Lodge Lane and Church Grove, new pedestrian and cycle access at Oakington Avenue including construction of new pedestrian and cycle bridge and associated highway works, a local centre including a community building (Use Classes E(a)(b)(e), F2(b)), land safeguarded for educational use (Use Classes E(f) and F1(a)), public open space and associated infrastructure (matters to be considered at this stage: Burtons Lane and Lodge Lane access).
<b>Site location:</b>	Land Between Lodge Lane and Burtons Lane, Little Chalfont, Buckinghamshire
<b>Applicant:</b>	Biddulph (Buckinghamshire) Ltd (Mr D Cox)
<b>Case Officer:</b>	Laura Peplow
<b>Ward affected:</b>	Little Chalfont & Amersham Common
<b>Parish-Town Council:</b>	Little Chalfont
<b>Valid date:</b>	7 December 2021
<b>Determination date:</b>	25 April 2022
<b>Recommendation:</b>	Delegate the application to the Director of Planning and Environment to refuse permission.

### 1.0 Summary & Recommendation

#### The Planning Application

- 1.1 The application seeks Outline planning permission, with all matters reserved except for means of access from Lodge Lane and Burtons Lane, for a residential-led development scheme. The proposals are for 380 dwellings,

retirement accommodation and a care home, a local centre with a mix of uses including safeguarded land for education and community use and open space and landscaping.

- 1.2 The site is approximately 29 hectares in area with the majority of the site most recently used as a golf course. Parts of the site are in agricultural/paddock/residential use. There is woodland including ancient woodland within the site and the site is bounded by mature trees. There are eight buildings across the site of which three are residential dwellings (Homestead Farm and the dwellings 13 and 15 Oakington Avenue) and the golf club building which is also in residential use. The site is located to the south and south east of the settlement of Little Chalfont. The railway marks the northern boundary with residential development located beyond the railway to the north on Oakington Avenue. The site has frontage to Burtons Lane to the west with residential development located along the lane, with residential development to the south on Loudhams Wood Lane (although the development site itself does not extend to Loudhams Wood Lane). An area of ancient woodland, Netherground Spring, is located to the south east extent of the site and with an industrial site 'Honors Yard' adjacent to this boundary. The site is bounded by Lodge Lane to the east with the Chilterns AONB beyond this.

#### **Councillor Call-in**

- 1.3 Councillors Tett, Culverhouse, Williams and Matthews have requested that the application be considered by committee for the reason that it warrants discussion by planning committee due to the location of the proposed development in the Green Belt, exceptional circumstances not being demonstrated, proposed accesses being unsuitable and damaging to the character of the village centre and rural lane, harm to setting of the Chilterns AONB, the railway line being considered a defensible Green Belt boundary and encroachment from out of borough development.

#### **Green Belt and other harm**

- 1.4 The proposed development would constitute 'inappropriate development' in the Green Belt. It would result in the loss of agricultural land and a significant scale of urbanising development that will encroach into the open countryside. Given the open character of the site and the existing mature tree belts and woodland it is considered that the development would result in substantial spatial and visual harm to the openness of the Green Belt. It would also conflict with three out of the five purposes of including land in the Green Belt. Overall, the harm to the Green Belt will be very substantial.
- 1.5 Paragraph 147 of the National Planning Policy Framework ('the NPPF') states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 148 confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It goes on to state that '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.

- 1.6 The layout of the development represents poor design quality. Harm would result to the landscape character of the area and ecologically valuable priority habitats which would be put under increased recreational pressure as a result of the parameter plans. Concern is raised regarding density of development on the site being too great in some areas resulting in harm to landscape characteristics and views whilst simultaneously not providing adequate commitment to a density of development that would be acceptable in urban design terms. The street network proposed is considered disconnected and the proposal does not respond to the surrounding character including the adjacent area of exceptional residential character.
- 1.7 The supporting transport assessment is inadequate and it is therefore it is not possible to conclude that the additional traffic likely to be generated by the proposal would not adversely affect the safety and flow of users of the existing road network. Similarly, the proposed development will not achieve safe and suitable access. The proposed development fails to make adequate provision to allow accessibility to the site by non-car modes of travel.
- 1.8 The assessment of the development on ecology is deficient and lacks necessary information on protected species and priority habitats including ancient woodland. It has not been demonstrated that the proposed development would not have an unacceptable impact on the natural environment. Necessary mitigation of the impact on the Chiltern Beechwoods SAC has not been secured and in the absence of this the development would be harmful.
- 1.9 Other harm includes: loss of BMV agricultural land; flood risk; air quality and, the absence of a legal agreement and a mechanism to secure the provision of affordable housing and education contributions.

### Benefits

- 1.10 The applicant has put forward a case for 'very special circumstances' (or benefits of the proposal) to outweigh the harm to the Green Belt and other harm. The proposed benefits include housing delivery where the Council cannot demonstrate a 5 years' supply of housing land. The housing would include 40% affordable homes, provision for self-build and custom build homes and provision of retirement accommodation. It is considered that significant weight can be attributed to the delivery of affordable housing, moderate weight to the provision of retirement accommodation and limited weight to self-build and custom build homes as benefits of the scheme. Moderate weight is to be given to the delivery of housing.
- 1.11 The scheme will deliver some other benefits including local facilities and open space. The benefits are limited and that only limited weight can be afforded in the planning balance. Providing infrastructure to meet its own needs and compliance with sustainability and planning policies against which all applications for development are assessed as part of the decision-making process, is not considered to be a significant benefit. The benefits are limited

and tempered by this to the extent that only limited weight can be afforded for the planning balance.

### Planning balance

- 1.12 The applicants' case relies heavily on the site's proposed allocation within the withdrawn Draft Chiltern and South Bucks Local Plan 2036 (Site Allocation Policy SP BP6 – Building Little Chalfont) as justification for why the principle of development should be considered acceptable. However the Draft Chiltern and South Bucks Local Plan 2036 was never examined, as it was withdrawn. Therefore the policies contained within it hold no material weight in planning decision-making. Notwithstanding this, the application site covers a smaller area than the draft site allocation SP BP9; the Draft Local Plan intended that this site would be delivered as part of a wider strategic allocation with 'an integrated, co-ordinated and comprehensive planning approach' taken on the site.
- 1.13 The proposal will lead to significant harm such as the loss of openness to the Green Belt, encroachment into the countryside, and significant permanent built development in the Green Belt which will also adversely affect the character of the area. The impact on the environment is substantially negative. Overall, notwithstanding the benefits of the scheme taken together, it is considered that the benefits do not "clearly outweigh" the harms. The applicant has not demonstrated 'very special circumstances' to justify inappropriate development in the Green Belt for the purposes of paragraph 148 of the NPPF.
- 1.14 It is considered that the conflict with Green Belt, flood risk and biodiversity policy provide a "clear reason for refusing" the development proposal. It is concluded that the proposals represent unsustainable development and overall are in conflict with the development plan. It is recommended that permission be refused for the reasons set out at the end of this report.
- 1.15 **Recommendation:** Delegate the application to the Director of Planning and Environment to **refuse permission**.

## **2.0 Description of Site & Proposed Development**

### ***Site and context***

- 2.1 The site is located to the south and south east of the settlement of Little Chalfont, bounded by the London Underground metropolitan line to the north, Lodge Lane to the east, and Burtons Lane to the west. Part of the southern boundary of the site is Honors Yard, which is an industrial employment site occupied by a variety of different businesses.
- 2.2 The site is approximately 29 ha in area with the eastern, larger portion of the site previously used as a golf course and the western parcel associated with use of Homestead Farm, a residential property with outbuildings.
- 2.3 The Chilterns Area of Outstanding Natural Beauty (AONB) lies to the east of the site, with Lodge Lane marking the boundary. Two areas of Ancient Woodland

are located within the site, with one area relatively central and the other to the south eastern boundary. In addition, various other areas of woodland are identified and the site contains scattered trees. The site is bounded by mature trees.

- 2.4 There are a number of strategic routes in the vicinity of the application site which are as follows. The site sits to the south of the A404 Amersham Road, linking Amersham and Little Chalfont to the M25 motorway and Chorleywood. The A404 is reached from the site by Burtons Lane to the West and Lodge Lane to the east. These roads that are of semi-rural/rural residential in character and provide links through the road network to the A413 in Chalfont St Peter and on to the M40 motorway. Within the centre of Little Chalfont there is the confluence of Burtons Lane, the A404 and the B4443, Cokes Lane. Lodge Lane joins the A404 through a staggered crossroad junction on the eastern boundary of Little Chalfont passing under a railway bridge to the north of the Lodge Lane site access. There are no public rights of way through the site.
- 2.5 Little Chalfont village centre features an Edwardian shopping parade. The area is also defined by other distinctive features such as areas of semi-rural streetscape character with greenery, the low density development with large plots in the style of 20<sup>th</sup> century garden suburbs and detached villas in the Arts and Crafts style, typical of metro land developments. Key, valued townscape characteristics in Little Chalfont are considered to be: low density development of detached, high quality houses of individual character, residential areas without street lighting and footpaths, mature trees and hedgerows separating properties with open driveways off road parking and limited boundary treatment.

### ***Proposed development***

- 2.6 The application seeks Outline planning permission, with all matters reserved except for 'Means of Access'.

The description of development is:

"Outline application for the demolition of all existing buildings and the erection of residential dwellings including affordable housing, custom build (Use Class C3), retirement homes and care home (Use Class C2), new vehicular access point off Burtons Lane, improvements to existing Lodge Lane access including works to Lodge Lane and Church Grove, new pedestrian and cycle access at Oakington Avenue including construction of new pedestrian and cycle bridge and associated highway works, a local centre including a community building (Use Classes E(a)(b)(e), F2(b)), land safeguarded for educational use (Use Classes E(f) and F1(a)), public open space and associated infrastructure (matters to be considered at this stage: Burtons Lane and Lodge Lane access)."

- 2.7 The proposed development will include the following:

- Up to 380 residential dwellings (Class C3);
- Up to 100 units - retirement village (Class C2);
- Up to 60 bed care home (Class C2);

- Up to 1,000m<sup>2</sup> Community Hub (Flexible uses E(a) (b) (e), F2(b));
- 1.4 ha safeguarded for a new primary school or primary school expansion with nursery;
- Retention of Lodge Lane vehicular access;
- Creation of main vehicular access from Burtons Lane;
- Creation of two secondary access points for footways/cycleways at the north-eastern corner of the site via Burtons Lane, and to the north via Oakington Avenue;
- Open space, formal areas of play and associated facilities and amenity space including, landscaping, green infrastructure and provision of a Multi-Use Games Area (MUGA);
- Car and cycle parking; and
- Landscaping works.

2.8 To facilitate the proposed development eight buildings are to be demolished across the site. Four of these buildings are residential dwellings (including the building previously used as a golf course club house). Two of the dwellings to be demolished are on Oakington Avenue and will be removed to allow provision of a bridge to the site over the railway line.

2.9 The non-residential element, which is a proposed Community Hub, will include small scale retail of less than 1,000m<sup>2</sup> and community uses, and this element would be located relatively centrally within the site. The residential and other uses are broken down as follows:

<b>Total dwellings</b>		<b>380 houses</b>
	C3 Market housing:	213
	Affordable housing units	152
	Self-build and Custom-build:	15
<b>Retirement Village and Care Home</b>		
	C2 Retirement Village	100
	C2 Care home	60 beds
<b>Other uses</b>		<b>Up to 1,000 sq m</b>
	E(a) (Display or retail sale of goods, other than hot food)	
	E(b) Food and drink which is mostly consumed on the premises	
	E(e) Medical services not attached to the residence of the practitioner	
	F2(b) Halls or meeting places for the principal	

2.10 Open space of 11.74 ha is proposed. This would be comprised of a 1.24ha public park and garden, 8.30ha of natural and semi-natural green space, 1.35ha of amenity space, 0.28ha of play space (1x Locally Equipped Area of Play, 1x Neighbourhood Equipped Area of Play, 3x incidental play or Locally Areas of Play), 0.29ha allotments (2 allotments, 3 community orchards) and a 0.28 Multi Use Games Area/bike and skate park.

2.11 The proposals include Parameter Plans for approval which set out the key components of the development:

- Land Use and Green Infrastructure – illustrates maximum extent for land use and green infrastructure. The land uses are residential use, retirement living and care home, safeguarded land for educational use, mixed use community building, public open spaces.
- Building Heights – building heights vary in four categories for residential dwellings: up to 2, up to 2.5, up to 3 and up to 3.5 storeys, mixed use development up to 3.5 storeys and land safeguarded for educational use up to 2 storeys.
- Access and Movement – identifies the principles of vehicular and pedestrian access to the site and through it.
- Demolition Plan – identifies buildings and structures proposed for demolition within the application site.

2.12 The development proposal is accompanied by an Environmental Statement (ES). The ES provides an overview of the likely environmental impact of the proposals and assesses “likely significant effects” with a summary of mitigation measures proposed and contains a methodology for assessing the significance of the environmental effects and the cumulative impact. A series of technical chapters within the ES consider the range of environmental factors. The ES contains the following chapters addressing each of the following topics:

- EIA Methodology
- Existing Land Uses and Activities
- Alternatives and Design Evolution
- The Development
- Development Programme, Demolition and Construction
- Socio Economics
- Transport and Access
- Air Quality
- Noise and Vibration
- Water Resources and Flood Risk
- Ecology

- Landscape and Visual Impacts
- Historic Environment
- Cumulative Effects

2.13 During the course of the application an ES addendum was submitted. The ES addendum was provided to ensure all land within the red edge has been assessed within the Environmental Statement. The omission from the original ES was the assessment of the highway works proposed to facilitate the development. Subsequently further consultation was undertaken.

2.14 The applicant has undertaken their own public consultation on the scheme.

### **3.0 Relevant Planning History**

3.1 Planning applications relating to the change of use of the golf club to a residential dwelling are as follows:

3.2 CH/2008/1209/FA Change of use of existing clubhouse to form detached residential dwelling with first floor side, single storey side and roof extensions, front porch and excavation of land to the rear, served by existing vehicular access (Refused Permission)

3.3 CH/2009/0194/FA Change of use of existing clubhouse to form detached residential dwelling with excavation of land to the rear to create light wells to north elevation, served by existing vehicular access and change of use of remaining land for equestrian use (Refused Permission, Allowed at Appeal)

3.4 Other external alterations relating to the club house and an non-material amendment to CH/2009/0194/FA have been considered and approved.

3.5 A scoping opinion was requested in relation to the development site: PL/21/3073/EIASO EIA scoping opinion in accordance with Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for proposed development comprising demolition of existing buildings on site and construction of up to 380 homes (including 40% Affordable Units), 100 unit Retirement Village (Use Class C2/C3), 60 bed Care Home (Use Class C2), safeguarded land for a 1FE Primary School/ Primary School Expansion with nursery, Community Centre (possibly including retail use, flexible office space, satellite GP surgery) and new public parkland.

3.6 The residential properties at 13 and 15 Oakington Avenue and Homestead Farm (proposed to be demolished) have been subject to applications for householder extensions and alterations. The agricultural outbuildings associated with Homestead Farm are also subject to various agricultural permitted development applications, some of which prior approval has been granted for and others were prior approval has been refused. The detail of these application is not considered to be material to the current application.

#### **Summary of Representations**

3.7 The application was subject to the relevant consultation, notification and publicity. A second round of consultation was undertaken due to the submission of an ES addendum relating to the proposed highway works.

- 3.8 Over 1100 individual letters of objection from the local community and letters from other bodies have been received. Approximately 110 letters of support have also been received. Appendix A of the Committee Report provides a summary of these representations.
- 3.9 All representations received from statutory consultees, non-statutory consultees and other interested individuals, groups and organisations are also set out in Appendix A of the Committee Report.

#### **4.0 Policy & Guidance**

- 4.1 The key policy documents and guidance for consideration are set out below.

##### *The Development Plan:*

- 4.2 The adopted development plan for the area comprises the Chiltern Core Strategy (2011) and the Saved Policies of the Chiltern District Local Plan (1997, incorporating alterations adopted in 2001), are listed below. Commentary is provided against those Core Strategy and Local Plan policies of particular relevance to the proposals.

- 4.3 Local Plan policies relevant to the proposals include:

- Policy GC1 – Design of Development Throughout the District
- Policy GC2 – Sunlighting and Daylighting Throughout the District
- Policy GC3 – Protection of Amenities Throughout the District
- Policy GC4 – Landscaping Throughout the District
- Policy GC9 – Prevention of Pollution Throughout the District
- Policy GB1 – Extent of Green Belt in the Chiltern District
- Policy GB2– Development in General in the Green Belt
- Policy GB30 – Conservation and Enhancement of Rural Landscape in parts of the Green Belt
- Policy LSQ1 – Chilterns Area of Outstanding Natural Beauty as Defined on the Proposals Map
- Policy TR2 – Highway Aspects of Planning Applications Throughout the District
- Policy TR15 – Design of Parking Areas Throughout the District Policy
- Policy TR16 – Parking and Manoeuvring Standards Throughout the District
- Policy CSF1 – Provision of Community Services and Facilities in the Built-up Areas Excluded from the Green Belt
- Policy AS2 – Other Unscheduled Archaeological Remains Throughout the District
- Policy TW6 – Resistance to Loss of Woodland Throughout the District
- Policy NC1 – Safeguarding of Nature Conservation Interests throughout the District

- 4.4 The Core Strategy sets out the Spatial strategy which aims to protect the Green Belt by focussing new development on previously developed land within existing settlements. The policies relevant to the proposals include:

- Policy CS1 – The Spatial Strategy
- Policy CS2 – Amount and Distribution of Residential Development 2006-2026

- Policy CS4 – Ensuring That Development is Sustainable
- Policy CS8 – Affordable Housing Policy
- Policy CS10 – Affordable Housing Type
- Policy CS11 – Affordable Housing Size
- Policy CS12 – Specialist Housing
- Policy CS20 – Design and Environmental Quality
- Policy CS22 – Chiltern AONB
- Policy CS24 – Biodiversity
- Policy CS25 – Dealing with the Impact of New Development on the Transport Network
- Policy CS26 – Requirements of New Development Site: Area South East of Little Chalfont 4
- Policy CS29 – Community
- Policy CS30 – Reducing Crime And The Fear of Crime
- Policy CS31 - Infrastructure
- Policy CS32 – Green Infrastructure

4.5 Minerals and Waste plan policies relevant to the proposals include:

Policy 10 Waste prevention and minimisation

4.6 Key policy and guidance documents include:

- Affordable Housing SPD 2012
- Landscape Capacity Assessment for Green Belt Development Options in the emerging Chiltern and South Bucks Local Plan November 2017
- Chiltern and South Bucks Townscape Character Study 2017
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule (2020)
- Chiltern District Council Sustainable Construction and Renewable Energy SPD (2015)
- Local Transport Plan: Buckinghamshire Local Transport Plan 4, (April 2016)
- Chiltern and South Bucks Economic Development Strategy: Chiltern District Council & South Bucks District Council (August 2017)

4.7 Other key material considerations:

- National Planning Policy Framework (2021) (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule (2020)

***Withdrawn Chiltern and South Bucks Local Plan (2020)***

4.8 On 21 October 2020 Buckinghamshire Council resolved to withdraw the Chiltern and South Bucks Local Plan 2036. There is currently no set timetable for the preparation of a new local plan although the Council has stated its intention to have a Buckinghamshire-wide local plan in place by April 2025.

- 4.9 The site of the proposed development formed part of a wider draft allocation (Policy SP BP6) in the withdrawn Chiltern and South Bucks Local Plan for a residential-led mixed use development of 700 dwellings, with primary school as part of multi-functioning community hub and 15 pitches for Gypsies and Travellers. Associated highways improvements, sustainable transport options and the retention of employment uses on the part of the site used for employment land were also specified.

## **5.0 Green Belt**

Core Strategy Policies:

CS1 Spatial Strategy

CS2 Amount and distribution of Residential Development 2006-2026

CS3 Amount and Distribution of Non Residential Development

Local Plan Saved Policies:

GB1 Extent of Green Belt in the Chiltern District

GB2 Development in General in the Green Belt

GB30 Conservation and Enhancement of Rural Landscape in parts of the Green Belt

- 5.1 The site lies in the Green Belt. The Government attaches great importance to Green Belts. NPPF paragraph 137 states that 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.
- 5.2 Paragraph 138 of the NPPF 2021 sets out that Green Belt serves the following five purposes:
- (a) to check the unrestricted sprawl of large built up areas;
  - (b) to prevent neighbouring towns merging into one another;
  - (c) to assist in safeguarding the countryside from encroachment;
  - (d) to preserve the setting and special character of historic towns; and,
  - (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.3 NPPF paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 confirms that 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.
- 5.4 The NPPF states that that development should be regarded as inappropriate in the Green Belt except in specified exceptions as set out in Paragraph 149 (a – g). The proposed development does not fall within any of the exceptions (a – g) listed in paragraph 149. The proposals are therefore inappropriate development based on this paragraph of the NPPF.

- 5.5 Local Plan Policy GB2 states that most development in the Green Belt is inappropriate. There is a general presumption against inappropriate development. The policy then goes on to set out categories of development (a – f) in Green Belt that would not be considered to be inappropriate. The proposed development is not referred to within any of these exceptions and is therefore contrary to this policy.
- 5.6 It is considered that policy GB2 of the Local Plan is consistent with the NPPF relating to development in the Green Belt. The level of consistency between Policy GB2 and the NPPF is sufficient to enable the saved policy to continue to be applied. Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. As such moderate weight is afforded to Policy GB2. Policy GB30 requires development proposals within the Green Belt to be “well integrated into its rural setting and conserve the scenic beauty and amenity of the landscape in the locality of the development”. GB30 is also afforded moderate weight.
- 5.7 The Spatial Strategy for Chiltern set out in Core Strategy Policy CS1 provides the context for shaping the future of the District. It sets out the way in which necessary development will be accommodated and sets the context for achieving the strategic objectives and provides a framework for Core Strategy Policies. The overall approach of the Spatial Strategy is to protect the Chilterns AONB and Green Belt by focusing new development on land within existing settlements not covered by those designations. The proposal would be for a large scale development outside of the existing settlements and within the Green Belt. As such, the proposal would be contrary to the aims of the Spatial Strategy and is contrary to Policy CS1 of the Core Strategy.
- 5.8 As the proposed development amounts to inappropriate development within the Green Belt the applicant has provided a case for very special circumstances. This is considered in detail at section 19 in this report.
- 5.9 The factors that can be taken into account when assessing the impact of a proposal on the openness of the Green Belt can include the spatial and visual aspects of the development (PPG update June 2021, 001 Ref ID: 64-001-20190722).
- 5.10 Background documents to the withdrawn Local Plan include analyses which help inform the assessment of the impact on openness. As part of that evidence it was determined that insufficient land outside the Green Belt was available to meet identified housing and economic development needs. Therefore, the Councils undertook a Green Belt review in two parts. The first was countywide and this recommended that a number of areas be further considered for Green Belt release. These areas were selected for further consideration because they least met the purposes of including land in the Green Belt. The second part of the Green Belt review focused on those areas in Chiltern and South Bucks which had been recommended for further assessment. While the Chiltern and South Bucks Local plan has been

withdrawn and carries no weight, the evidence base can be considered material where relevant.

*Part 1: The Buckinghamshire Authorities Buckinghamshire Green Belt Assessment Report: Methodology and Assessment of General Areas, 7 March 2016.*

- 5.11 The Green Belt Assessment Part 1 (Arup 2016), assessed strategic land parcels, 'General Areas', against the purposes of the Green Belt as defined in the National Planning Policy Framework (NPPF). This assessment identified the relative performance of the General Areas against the NPPF defined purposes of the Green Belt. It included a series of recommendations for further consideration through the local plan process, including whether there might be the potential for the demonstration of 'exceptional circumstances' to justify any alteration to the Green Belt boundary.
- 5.12 The recommendation in respect of RSA-10: 'General Areas 29 and 35 meet the Green Belt purposes, but there is scope to collectively consider an identified broad area further, bounded by Lodge Lane, Roughwood Lane and the B442 (Nightingales Lane) and collectively identified as RSA-10; this area may score weakly and could be considered further.'

*Green Belt Assessment Part 2 2019 (Chiltern & South Bucks Stage 2 Green Belt Assessment Strategic Role of the Metropolitan Green Belt in Chiltern & South Bucks 2019)*

- 5.13 The Part 2 assessment (April 2019) formed part of the evidence base for the Local Plan to be taken into account alongside other evidence in making decisions about possible changes to Green Belt boundaries. The assessment overall summary for the area in question (Ref No. 1.08, Parcel RSA 10 in which Site 35 was located) was 'Moderate' in terms of scoring against the 5 Green Belt purposes (NPPF). The Regulation 18 Built Area Extension Options includes a pro forma for Site 35 with a summary of the Green Belt Assessment.
- 5.14 The Chiltern and South Bucks District Council – Green Belt Exceptional Circumstances Report (May 2019) set out specific exceptional circumstances for the release of draft allocation site SP BP6 (Little Chalfont – Area West of Lodge Lane, 2.10) from the Green Belt. This was not examined prior to the withdrawal of the Chiltern and South Bucks Local Plan. The site was justified for inclusion for, amongst other reasons, the ability to maintain a strong defensible Green Belt boundary. The assessment details that the site performs poorly against three purposes of including land in the Green Belt (purposes a, c and d) and moderately against one purpose (purpose b).

*Landscape Capacity Assessment for Green Belt Development Options in the emerging Chiltern and South Bucks Local Plan November 2017*

- 5.15 The Landscape Capacity Assessment was carried out to appraise in landscape and visual terms the 15 strategic sites which could potentially be released from the Green Belt, subject to other evidence. It is important to note that the purpose of the capacity assessment was not to establish the acceptability of development, but to mitigate harm resulting from development of sites, that could potentially arise from being released from the Green Belt for

development. It states that full Landscape Visual Impact Assessment (LVIA) would need to inform specific development proposals to establish the potential harm and to demonstrate that harm can be minimised or mitigated against through scale of development, layout, provision of strategically placed open space, landscaping or built form design constraints.

5.16 The site is located within Little Chalfont Rolling Farmland character area and was assessed: Moderate strength of character / intactness, and the Overall strategy / vision: to conserve and enhance the woodland, farmland and historic parkland which is retained between settlements and which contributes to the rural, peaceful character.

5.17 Key characteristics and sensitivities identified as well as the relevant Landscape Guidelines include:

- Conserve and manage the mosaic of woodland and farmland which is key to retaining a rural character between settlements.
- Promote appropriate management of farmland, to help generate a wildlife rich habitat, and visually attractive landscape.
- Conserve the areas of woodland and manage to enhance biodiversity value and as a recreational resource.
- Conserve sweeping open views across farmland and seek to avoid locating detracting or interrupting features.
- Conserve the character of rural roads.
- Seek to avoid further expansion of settlement which leads to suburbanisation along roads.
- Conserve and restore small fields of pre 18th century irregular enclosures.

5.18 Site specific considerations included the site being constrained by the need to protect existing trees and woodlands, to protect views from the edge of the AONB and the rural character of Lodge Lane, and to keep built form out of the dry valley landscape, in line with identified special qualities of the AONB. The assessment stated that *'Within these constraints, and subject to the recommendations set out below, much of the higher ground within the former golf course could be developed, leaving the lower dry valleys undeveloped as distinctive landforms and buffer to protect the areas of ancient woodland. An area of development could be accommodated on higher ground to the south-east of properties on Loudhams Wood Lane, within the curtilage of the existing residential property (which is being redeveloped at the time fieldwork was undertaken). A further area of development could be accommodated in the south-east, leaving the dry valley open. The industrial estate has capacity to take intensified development, subject to the protection of the woodland setting and adjacent ancient woodland and the protection of the rural character of Lodge Lane.'*

5.19 The strategic level assessment concluded that the site (6) had a landscape capacity of medium. It is important to note that LCA 2017 was based on development across the site having a density range of 30-35 dwellings per hectare with heights between 2-3 storeys. In contrast to the current application, which proposes a significantly higher density range of 35-65 dph (density parameter plan 00973E-S02 Rev.P1) along with building heights between 2-3.5 storeys (building heights parameter plan 00973E-PP02 Rev. P1). Furthermore, it did not identify or consider the Burtons Lane to Doggetts Wood Lane Established Residential Area of Special Character adjacent to the west of the site (Policy H4, Established Residential Area of Special Character, Chiltern District Local Plan, consolidated 2011). The study noted that detailed landscape and visual assessment would be essential to inform the final capacity of the site in landscape terms.

5.20 For comparison the land use and green infrastructure parameter plan submitted in support of the development is presented alongside the recommended development areas within the Landscape Capacity Assessment.



Land use and green infrastructure parameter plan



Recommended development area

*Pink: Care Home C2*  
*Red: Mixed Use*  
*Purple: Safeguarded Education*  
*Orange: Retirement Living*  
*Pink: Care Home*  
*Green: Public open space/green infrastructure*

*Green: Landscape buffer*  
*Purple: Development Area*

**Openness - Spatial and visual impacts**

5.21 A Landscape and Visual Impact Assessment has been undertaken as part of the Environmental Impact Assessment (EIA). This reports the outcome of the assessment of likely significant environmental effects arising from the proposed development in relation to landscape and visual amenity. This is addressed at section 7 of this report below. The proposed development and associated highway works would be highly visible from several locations

including the surrounding roads. The change to the site would be substantial and the impact on green belt openness would be very substantial.

***Green Belt purposes***

5.22 The Green Belt purposes are listed in paragraph 138 of the NPPF and are considered in turn below.

*Purpose a) To check the unrestricted sprawl of large built up areas*

5.23 Little Chalfont is identified as a main settlement within the Core Strategy, however as detailed within the Arup Green Belt Assessment Part 1 the site is not at considered to be at the edge of a large built up area. Development of the site would not conflict with Purpose a.

*Purpose b) To prevent neighbouring towns merging into one another*

5.24 The site forms a small part of the wider gap between the non-Green Belt settlements of Little Chalfont and Chorleywood as noted within the 2016 Arup study and although the scale of the land parcel contributes to this gap, it is noted in the study that development in this land parcel is unlikely to cause merging between settlements.

5.25 Further assessment is provided within the Green Belt Part 2 Assessment with the gap between Little Chalfont and Chalfont St Giles also considered. Whilst the northern part of the site is judged as performing less strongly the contribution made to the overall openness and scale of the gap is acknowledged.

5.26 It is considered that the site meets this purpose and development of the site would therefore be in conflict with Purpose b.

*Purpose c) To assist in safeguarding the countryside from encroachment*

5.27 The Stage 2 Green Belt Assessment 2018 finds that this site meets the purpose relatively weakly in terms of wider Green Belt objectives. The openness and scale of the fields contributes to the wider landscape and visual amenity. The public right of way to the north supports public accessibility.

5.28 The proposed development will result in the loss of 24 ha of agricultural land and land open land which was most recently used as a Golf Course. The proposed development will be a significant scale of urbanising development that will encroach into the open countryside. Given the open character of the agricultural fields and the existing mature tree belts and woodland it is considered that the development would result in significant spatial and visual impact detrimental to this purpose.

*Purpose d) To preserve the setting and special character of historic towns*

5.29 The proposed development does not abut an identified historic settlement and does not meet this Green Belt purpose.

*Purpose e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

- 5.30 As this purpose is to encourage the development of brownfield land, any proposal would be in conflict with this purpose.
- 5.31 The proposed development would constitute inappropriate development and will result in very substantial spatial and visual harm to the openness of the Green Belt. In addition, the proposals will lead to a conflict with three out of the five purposes of including land in the Green Belt. The proposal would be contrary to policy GB2 of the Local Plan. In accordance with NPPF paragraph 148 substantial weight is given to any harm to the Green Belt and '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. The 'other harm' is identified in subsequent sections and the very special circumstances in the Planning Balance are assessed at the end of the report.

## **6.0 Landscape, Visual and Trees**

Core Strategy Policies:

CS1 (Spatial Strategy)

CS4 (Ensuring that Development is Sustainable)

CS20 (Design and Environmental Quality)

CS22 (Chilterns Areas of Outstanding Natural Beauty)

Local Plan Saved Policies:

GC1 (Design of Development Throughout the District)

GC4 (Landscaping Throughout the District)

GB2 (Development in General in the Green Belt)

GB30 (Conservation and Enhancement of Rural Landscapes in parts of the Green Belt)

LSQ1 (Chilterns Area of Outstanding Natural Beauty)

H4 Provision of New Dwellings in Established Residential Areas of Special Character as Defined on the Proposals Map

TW6 Resistance to Loss of Woodland Throughout the District

- 6.1 The NPPF at Paragraph 174 advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside. Paragraph 130 c) emphasises the importance of ensuring new developments are sympathetic to local character, including the landscape setting. Paragraph 131 states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change and that existing trees should be retained wherever possible.
- 6.2 Policy CS4 seeks to ensure that development preserves and enhances nature conservation interests and important features of the natural environment, including, trees and hedgerows.
- 6.3 Policy GB30 requires development proposals within the Green Belt to be "well integrated into its rural setting and conserve the scenic beauty and amenity of the landscape in the locality of the development" and where appropriate, the

development should “provide for the improvement of degraded landscape within the application site”.

- 6.4 The Site falls within Landscape Character Area 18.3 Little Chalfont Rolling Farmland as per The Chiltern District Landscape Character Assessment 2011 which sets out the Strategy/ Vision to conserve and protect the mosaic of woodland, open farmland and parkland, and to maintain the remaining areas of tranquillity. Guidelines of relevance to the site include:
- Conserve the woodland (including ancient woodland) which provide enclosure in the landscape and forms an important landscape pattern and feature, and invaluable biodiversity benefit.
  - Promote appropriate management of arable farmland, to help generate a wildlife rich habitat, and visually attractive landscape.
  - Conserve and manage hedgerow boundaries, which provide visual unity and intactness and increase biodiversity, linking areas of woodland and agricultural farmland.
  - Consider opportunities for further tree and woodland planting to contain and reduce visual and audible impact of modern development, such as busy roads.
  - Maintain open views across fields, and monitor the introduction of vertical infrastructure, which would adversely affect views within the landscape.
  - Conserve the low density of dispersed settlement.
- 6.5 The Environmental Statement at Chapter 13 Landscape and Visual Impacts, includes a landscape and visual impact assessment (LVIA) of the proposed development. This reports the outcome of the assessment of likely significant environmental effects arising from the proposed development in relation to landscape and visual amenity.
- 6.6 The Landscape Officer has reviewed the application and provides a summary of their assessment:

*‘1.1 The proposal represents an over development of this sensitive site. Proposed housing densities and spread of development across this sensitive site goes significantly beyond that outlined in the 2017 Landscape Capacity Study, produced by Terra Firma as evidence for the withdrawn local plan 2036.*

*1.2. The effects of the proposal on the landscape character of the site have been wholly underestimated. For instance, the LVIA underestimates the landscape Value by not appropriately considering important natural, cultural and functional features of the site, as required by recent new guidance published by the Landscape Institute in Technical Guidance Note TGN 02-21. Its assessment of landscape Sensitivity is unsound as it mixes up Low and Medium values in the assessment. It also fails to recognise the Landscape Guidelines for Development, set out in the Council’s Landscape Character Assessment (Landscape Character Area 18.3 Little Chalfont Rolling Farmland), which aim to*

*protect sensitive features of the landscape. Proposed mitigation has been inaccurately described in the Year 1 and Year 15 assessment of effects on the Landscape Character of the site (Table 7) and suggests the development would, for instance, 'conserve the network of hedgerows and hedgerow trees' and 'take account of the Root Protection Areas for existing trees', which is not true. The proposal would cause Significant Moderate/Major harm to the landscape character of the site.*

*1.3. The proposed development encroaches over the northern side of the dry valley, to below the 110m contour AOD. The legibility of the dry valley would be lost, causing Significant Moderate/Major harm to this key characteristic.*

*1.4. Given the limited information provided about mitigation, the effects on both ancient woodland, trees and general woodland would be Neutral, in landscape terms. The implied benefits of new planting and management are not detailed or controllable enough to be considered a reliable balance to weigh against the identified harms.*

*1.5. The removal of 70% of the Grade A2 woodland (W13) from along Lodge Lane, and replacement with an engineered retaining structure, would cause Significant Major harm to both the rural character of the lane, and the woodland itself. The ES confirms this harm cannot be mitigated.*

*1.6. The effects of introducing lighting across two thirds of this dark, unlit site has not been considered in any of the assessments of landscape or visual impact. This is a critical omission as the lighting (which would include flood lighting for the sports pitches and lighting for commercial premises, as well as street lighting and domestic lighting) would cause Significant Moderate/Major harm to the character of the site, as well as Significant Moderate/Major harm to a number of views from outside the site.*

*1.7. The proposed 45-55 dph would not allow for the level of green space, planting and size of trees required to provide an appropriate landscape design response to the adjacent Burtons Lane to Doggetts Wood Lane Area of Special Character and would cause Significant Moderate harm to it and its setting.*

*1.8. None of the Visual Effects assessments (detailed in Table 8, appendix 13.8, LVIA) have included a consideration of lighting across the site (which includes potential flood lighting for sports pitches) and are therefore inaccurate and unreliable. Other impacts have also been underestimated. The proposal would cause Significant Moderate/Major harm to a number of views from outside the site.*

*1.9. Insufficient detail of proposed mitigation has been provided. It is not considered appropriate that unquantified secondary mitigation and enhancement proposals be relied on so heavily in the assessment of landscape and visual effects of the development. It is also considered inappropriate that the future management of these important and irreplaceable landscape features (which is relied upon to provide benefits) be consigned to being dealt with by condition.*

*1.10. Any future proposals for development on this site must accurately identify the landscape sensitivities of this valued site and its surroundings and seek to protect and enhance them as required by the NPPF. The spread and density of development should be greatly reduced to more closely reflect Terra Firma's Landscape and Capacity Assessment 2017 but also be informed by an LVIA. It should identify and retain the characteristic dry valley topography.*

*1.11. Housing densities should be kept lower to reflect the sensitivities of the site and local landscape and to allow for greater retention of important trees and hedgerows. There should be greater opportunities for sizable tree planting throughout the development on streets and incidental open space to provide a high quality landscape for future residents. Lighting should be considered as part of the design stage to ensure development that requires heavy lighting is not located adjacent to sensitive landscape features. All lighting should be designed to the Institute of Lighting Professional's requirements for Environmental Zones E1.'*

- 6.7 Further to the publication of the Landscape Officer response the Agent has sought to provide a number of clarifications. This submission reiterates conclusions within the LVIA and does not alter the Landscape Officer assessment of the proposed development.
- 6.8 The site is considered to be a 'valued' landscape in terms of para 174(a) of the NPPF and the proposed development would fail to protect and enhance this valued landscape. The proposed development also fails to achieve Landscape Guidelines for development in Landscape Character Area 18.3 by requiring the removal of important and valued trees, hedgerow and farmland; harming the rural character of Lodge Lane and proposing development that would change the character of surrounding roads.

#### Trees

- 6.9 Tree Preservation Order No 5 of 1984 protects Netherground Spring on the south-eastern edge of the site adjacent to Honours Yard in Lodge Lane. This is also classified as an area of ancient semi-natural woodland. Tree Preservation Order No. 10 of 1986 protects Loudhams Wood at Pucks Paigles in Burtons Lane, just outside the southern boundary of the site. Stonydean Wood in the centre of the site is classified as another area of ancient semi-natural woodland.
- 6.10 During the course of the application an ES Addendum was submitted to include additional information relating to the proposed highway works with the result being an increase in the number of arboricultural features across the site (from 69 to 73 features).
- 6.11 The application submitted is considered in outline only, however, the trees shown to be removed on the most recently updated revision detail that 19 trees within woodland W13 (beside Lodge Lane) would be removed, which is most of this section of woodland. The report describes woodland W13 as being in good physiological and structural condition and lists it in the highest Category of A2. The Arboricultural Officer considers that 'the removal of most of the trees in this woodland would have a dramatic adverse effect on the

appearance and rural character of the sunken section of Lodge Lane just to the north of the railway bridge’.

- 6.12 The submitted Land Use and Green Infrastructure plan shows woodland to be retained within the site, however no allowance is made to retain other Category A and B trees. The Tree Officer suggests that they hope these trees could be retained within future reserved matters applications, however, given the detail provided in support of the outline planning application it is considered that greater reassurance is required in relation to retention of these trees. An insufficient level of information has been submitted to demonstrate that the development will retain other category A and B trees within the site.
- 6.13 Notwithstanding the concerns raised relating to the tree loss associated with widening of Lodge Lane and suggested removal of trees within the site, the indicative proposal suggests that the applicant intends to comply with Natural England/Forestry Commission Standing advice relating to the buffers for ancient and veteran trees as required.
- 6.14 The proposed development would give rise to significant detrimental impacts on the landscape character of the area. The proposed development and landscape strategy would be harmful to the landscape setting and contrary to the objectives set out in the Landscape Capacity Assessment with the proposed spread and density of development being too great and failing to adequately take account of the existing landscape character and site features including the characteristic dry valley topology. The character of Lodge Lane and Burtons Lane and their relationship to the adjoining landscape including the Chilterns AONB would be fundamentally changed. The proposed tree removal on Lodge Lane with associated replacement retaining structure is harmful and would result in harm to the character of Lodge Lane and the woodland itself. Harm to the Burtons Lane to Doggetts Wood Lane Area of Special Character is noted with the landscape design failing to appropriately respond to this character. Insufficient detail relating to mitigation and the effect of lighting across the site including in relation to sensitive landscape features has been provided and it is considered that harm to a number of views from outside the site are underestimated. The proposed development is therefore considered to be in conflict with NPPF paragraphs 130, 131 and 174, with Core Strategy policies CS22 and CS32, and Saved Local Plan policies GC4, GB30, H4, LSQ1 and TW6.

## **7.0 Design (Raising the quality of place making and design) and amenity**

Core Strategy Policies:

CS4 (Ensuring that Development is Sustainable)

CS20 (Design and Environmental Quality)

CS26 (Requirements of New Development)

Local Plan Saved Policies:

GC1 (Design of Development)

GC4 (Landscaping Throughout the District)

- 7.1 The NPPF (2021) at paragraph 126 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that developments should, among other requirements, function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and landscaping, and be sympathetic to local character and history. Paragraph 134 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. The National Design Guide has been introduced and this places great importance on context and detailing, stating, for example that 'well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones'.
- 7.2 Policy CS20 requires that new development is of a high standard of design which reflects and respects the character of the surrounding area and those features that contribute to local distinctiveness. Policy GC1 also requires that development is designed to a high standard and sets out that design includes both the appearance of the proposed development and its relationship to its surroundings including scale, height, siting and adjoining buildings and highways; appearance of car parking and servicing areas; building materials; and design against crime. Local Plan Policy H3 also states that new dwellings should be compatible with the character of the area in respect of scale, siting and height. These good design principles are also reflected within the NPPF which states that the Government attaches great importance to the design of the built environment. The NPPF also states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 7.3 The application is in outline form, with all matters reserved except for 'Means of Access'. The scheme design is for consideration at the Reserved Matters Stage. However, the proposals include development parameters for approval, these are:
- Land Use and Green Infrastructure – This includes residential and a local centre, primary schools, open space, existing woodland and associated woodland and ecological buffers
  - Building heights – building heights vary in four categories for residential dwellings: up to 2, up to 2.5, up to 3 and up to 3.5 storeys, mixed use development up to 3.5 storeys and land safeguarded for educational use up to 2 storeys
  - Access and movement – a network of streets, vehicle, cycle and pedestrian routes
  - Demolition Plan – Buildings to be demolished

- 7.4 A Design and Access Statement includes an illustrative masterplan which shows how the design of the scheme has developed and the application of the Parameter Plans. The layout is structured around retained woodland 'Stonydean Wood' and a primary route / street network comprising access from Burtons Lane and Lodge Lane, with bus/ emergency access only route running across the centre of the site.
- 7.5 The Urban Design Officer has been consulted and raises a number of concerns. It is considered that the design principles, in the form of parameter plans are unsatisfactory as they do not provide a robust basis for any future reserved matters submission as they would permit a disconnected street network, poor resolution of the interface with existing homes and would allow development to come forward at a uniform scale. Concerns relating to the density parameters are also shared by the Landscape Officer who objects to the height and density of development within sensitive parts of the site. The proposals as submitted would limit the ability to secure a well designed scheme. Insufficient information has been provided to ensure that key design principles will be adhered to at reserved matters stage.
- 7.6 The proposed vehicular route located centrally across the site (to the south of Stonydean Wood) and connecting the two halves of the development is annotated as being a vehicular route for bus and emergency vehicles only. Concern is raised with regard to the operation of this link, and information has not been provided to demonstrate that a bus service is viable. Concern is raised that the link may not be delivered in any form.
- 7.7 Other urban design weaknesses relate to the assessment of off-site walking and cycling infrastructure, internal layout with particular concerns about building orientation and street network. Insufficient information relating to surface water drainage features is provided to allow assessment in urban design terms.
- 7.8 As detailed within Section 7 of this report, the proposal does not appreciate local character and the Council's Townscape Character Study has not been utilised. The National Design Guide emphasises the importance of context within which a site is located. As such, the failure to respond to this existing character is considered a critical oversight.

*Open space, sports and recreation*

- 7.9 The proposals include public open space, provided for in reference to the 'Fields in Trust' standards and Chiltern District Council (CDC) Open Space Strategy.

Open space typology	CDC Open Space Strategy/Fields in Trust Guidance (set out in DAS)	Open Space proposed
Amenity Green Space	0.55	1.35ha
Parks & Gardens	0.87ha	1.24ha

Natural / Semi Natural Space	1.64	8.30ha
Allotments / Community Grow	0.18	0.29ha
Equipped play (on-site)	0.23ha	0.28ha
MUGA/Bike and Skate Park	1.7ha	0.28
<b>TOTAL PROVISION</b>	<b>3.33ha</b>	<b>11.74ha</b>

- 7.10 Sport England notes that the proposal includes provision of a new primary school with associated playing field and sports facilities. It is encouraged that these are opened up for the use of the wider community. Information relating to the ground conditions and standard of pitches to be provided would have been requested by condition had the application been recommended for approval.
- 7.11 The comments made by Sports England are noted with regard to loss of the golf course, however it is considered that the principle of the change of use of this land to a residential dwelling with the rest of the land associated with equestrian use was established under application CH/2009/0194/FA, which was refused by the former Chiltern District Council and subsequently allowed at appeal.
- 7.12 Though noted that 'Stonydean Wood' is to be fenced off to prevent harm from recreational pressure it is considered likely that this would be subject to such pressures given its location surrounded by residential development and that this would give rise to conflict between amenity/recreation and biodiversity (as detailed within section 14 of this report).
- 7.13 The provision of open space and publicly accessible walking routes through the site is of benefit particularly where that can assist in meeting requirements beyond the needs of the scheme, however located at the edge of the settlement it is not necessarily best located to meet need and it otherwise does not constitute a great benefit when considered against existing infrastructure (in qualitative as well as quantitative terms). The weight to be attributed to green infrastructure as a benefit would be tempered in this context.

#### Amenity

- 7.14 This is an outline application with the scheme design including separation distances and daylight/sunlight for consideration at the Reserved Matters Stage. Matters relating to amenity for future residents would be adequately dealt with as part of the detailed design stage had the application been recommended for approval. In terms of the amenity of existing residents the separation distances to the new housing are sufficient and would not give rise

to detrimental outlook and light impacts, any loss of privacy, noise or disturbance.

- 7.15 The proposals include development parameters for approval. The layout of the development as framed by these parameters gives rise to concerns as they are not considered to result in a high quality outcome. The comments of the landscape and urban design officers highlight concerns relating to the potential for the development to harm the character and appearance of the area and that it lacks good place making qualities. Concerns relating to disconnected street networks are also raised, with the proposed development effectively operating as two large cul-de-sacs and insufficient clarity provided regarding use of the central access road. Provision of natural/semi natural green space well in excess of requirements is noted, and whilst this may mitigate some pressure on 'Stonydean Wood' (an area of Ancient Woodland) concern is raised regarding the mechanisms to be put in place with regard to preventing access and the development parameters are likely to give rise to conflict between amenity/recreation and biodiversity which could be addressed through better design.
- 7.16 The development is therefore considered to represent poor design contrary to policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011), policies GC1 and GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, guidance set out within the Chiltern and South Bucks Townscape Character Study (November 2017) as well as paragraphs 124 and 130 of the National Planning Policy Framework (2021), and the National Design Guide (2019).

## 8.0 Housing and Affordable Housing

Core Strategy Policies:

Core Policy CS1 The Spatial Strategy

Core Policy CS2 Amount and Distribution of Residential Development 2006-2026

Core Policy CS8 Affordable Housing Policy

Core Policy CS12 Specialist Housing

Local Plan Saved Policies:

H9 Residential development and layout

- 8.1 The NPPF supports the Government's objective of significantly boosting the supply of homes and at paragraph 60 states it is important that a sufficient amount and variety of land can come forward where it is needed. The NPPF at paragraph 63 (affordable housing) specifies *"Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:*

- *off-site provision or an appropriate financial contribution in lieu can be robustly justified; and*
- *the agreed approach contributes to the objective of creating mixed and balanced communities"*

- 8.2 The NPPF at paragraph 65 seeks at least 10% of the total number of homes to be available for affordable home ownership. Exemptions to this requirement include where the proposed development is to be developed by people who wish to build or commission their own homes. Affordable housing is defined in Annex 2 of the NPPF as *“Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions’*
- *Affordable Housing for Rent*
  - *Starter Homes*
  - *Discount Market Sales Housing (DMSH)*
  - *Other Affordable Routes to Home Ownership”*
- 8.3 Policy CS1 The Spatial Strategy, details that within the district it will be aimed to protect the Chilterns AONB and Green Belt by focusing new development between 2006 and 2026 on land within existing settlements not covered by those designations. The built-up areas of the most accessible of these settlements: Chesham; Amersham/Amersham-on-the-Hill; Chalfont St Peter and Little Chalfont will be the main focus for development.
- 8.4 Policy CS2 sets out the proposed distribution of development including the built-up area of Little Chalfont. Identifying Chesham, Amersham/Amersham-on-the-Hill, Little Chalfont and Chalfont St Peter as the four principal growth locations to deliver the Core Strategy (2011) target of between 1,685 – 1,935 new homes.
- 8.5 Policy CS8 provides a target for the provision of affordable housing (in new developments which contain 15 dwellings or more), of at least 40%.
- 8.6 Policy CS12 (Specialist Housing) states that within Amersham/Amersham-on-the-Hill, Little Chalfont, Chesham and Chalfont St Peter, the Council and its partners will encourage the provision of extra-care homes, specialist housing for the elderly and housing
- 8.7 The Council is currently unable to demonstrate the five-year supply of deliverable housing sites. As set out within the Chiltern and South Bucks Interim Five-Year Housing Land Supply Calculation (at 1st April 2020, published 11th September 2020) the Chiltern Area can demonstrate 4.18 years supply.
- 8.8 The proposed development is residential-led for up to 380 dwellings. Self-build plots would be included and 40% affordable housing is proposed. The indicative mix of housing is provided in the table below, but the final mix would be determined at Reserved Matters stage.

<b>Total dwellings:</b> <b>380</b>	<b>Private</b>		<b>Affordable</b>	
Market housing (inc self	4 bed +	75 (20%)	4 bed	23 (15%)

build) : 228	3 bed	135 (36%)	3 bed	44 (29%)
Affordable housing of which: 152	2 bed	154 (41%)	2 bed	82(54%)
Affordable home ownership: 106	1 bed	16 (4%)	1 bed	3 (2%)
Intermediate tenures (inc First Homes):46				
<b>Retirement Living 100</b>	3 bed	10 (10%)		
	2 bed	80 (80%)		
	1 bed	10 (10%)		
<b>Care Home</b>	60 (Beds)			

#### Affordable Housing

- 8.9 It is proposed that 40% of the scheme will be affordable housing with a split of 70% rented accommodation and 30% intermediate housing. The Housing Officer notes the breakdown of affordable housing properties into sizes, however the split between rented and intermediate housing is not provided. The Officer suggests that a good mix and even spread of properties within both tenures is required and would not want to see a disproportionately higher number of larger family homes (3 and 4 bedroom) in the intermediate housing units compared to the rented units. The number of one bedroom properties is low and it would be preferable to have a higher proportion of 1 bedroom affordable homes to better reflect the demands on the Council's Housing Register.
- 8.10 In terms of affordable housing provision 40% affordable housing provision would meet Core Strategy Policies CS8 and CS10. A good mix of property sizes across all affordable housing tenures would be required and not have larger properties concentrated in affordable home ownership, such matters would have been addressed at the detailed stage had the application been recommended for approval.

#### Care Home and Retirement Village

- 8.11 Elderly Care in the form of a 100 home retirement village and a 60 bed care home are proposed.
- 8.12 As detailed within Policy CS12 within the built up areas of towns, including Little Chalfont, specialist housing will be supported with locations needing to have regard to the proximity to shops, health and community facilities. Whilst the need to such facilities is acknowledged it is considered that such development should be focussed on the identified locations rather than in the Green Belt.

## 9.0 Mix of uses: Community uses

Core Strategy Policies:

CS1 The Spatial Strategy

CS3 Amount and Distribution of Non-Residential Development 2006-2026

CS27 Working for a Healthier Community

CS29 Community

CS31 Infrastructure

Local Plan policies:

GB1 Extent of the Green Belt in Chiltern District

GB2 Development in General in the Green Belt

GB23 Limited Infilling Including Local Community Facilities in the Green Belt in the Areas Defined In Policies GB4 and GB5

- 9.1 NPPF Paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. Mixed use developments with strong neighbourhood centres and provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling, are cited by way of example. NPPF Paragraph 93 supports the provision of social, recreational and cultural facilities and services the community needs.
- 9.2 Policy 29 details that community facilities should be provided in areas of identified need and that this should be located within proximity of existing community infrastructure. Priorities should be delivered with the local community.
- 9.3 Policy 31 relates to the provision of infrastructure to serve residents and businesses and that new development must ensure that adequate capacity is maintained to meet the needs of future occupiers and would not worsen existing deficiencies.

Community Hub

- 9.4 The application proposes the inclusion of a 'Community Hub' with flexible retail, community and health uses E(a)(b)(e), F2(b) up to a maximum of 1,000sqm. The planning statement details that any retail provision would be limited in size to avoid harming the existing centre. Additional information/evidence of need for the community hub has not been provided in support of the application and it appears that this proposal has come about as a result of the community consultation and desire for an inside venue for use by older and younger residents.
- 9.5 Policy GB23 allows for community shops as limited infilling in the Green Belt, however this the proposed development is not part of an identified Green Belt Settlement and as such the policy is not applicable. As such there is no local policy threshold for these uses, and given their scale it is not considered that harm to the vitality of the 'Little Chalfont' centre. Notwithstanding this the

proposed inclusion of these facilities within the Green Belt is inappropriate development given that their need has not been adequately justified.

- 9.6 It is noted that Policy SP BP6 of the Local Plan detailed that a primary school would be provided as part of a multi-functioning community hub, however site specific requirements were to be agreed through the masterplanning process. It is not clear how the size or uses proposed would support the proposed development.
- 9.7 No substantive or quantitative information has been provided in relation to the need for community uses to serve the existing Little Chalfont community as well as the new dwellings proposed, therefore it is only possible to attribute this element of the proposal limited weight.

#### Health

- 9.8 The additional population of 1,132 generated by the proposed Development would increase demand for primary healthcare facilities. Primary Healthcare is considered within Chapter 7 of the Environmental Statement. NHS data has been assessed and it is detailed that surplus capacity exists within surgeries within one mile of the site to absorb new patients. The Clinical Commissioning Group was consulted but have not provided any comment on the application.
- 9.9 With regard to acute and community health care Buckinghamshire Healthcare Trust have been consulted but have not provided comment on the application.

#### Education

- 9.10 Land (1.4ha) for a 1-Form Entry primary school or Primary school expansion with nursery is proposed to be safeguarded. Alternatively the applicant details that expansion of Little Chalfont School may be considered more appropriate.
- 9.11 Comments have been provided by the Education Officer who details that schools in the area are close to capacity. The scheme would generate a little over 0.5 forms of entry with the minimum size of school that would be approved by the Department of Education being 1 form entry. It would therefore be expected that the applicants would meet the full cost of building a new primary school. Secondary schools are currently at capacity, therefore financial contributions towards infrastructure costs per dwelling would be required to be secured via legal agreement had the application been recommended for approval.

### **10.0 Heritage**

Core Strategy Policies:

CS4 Ensuring that Development is Sustainable

CA2 Views Within, out of, or into the Conservation Areas as Defined on the Proposals Map

AS1 Scheduled Monuments and Other Nationally Important Unscheduled Archaeological Remains Throughout the District

AS2 Other Unscheduled Archaeological Remains Throughout the District

LB1 Protection of Special Architectural of Historic Interest of Listed Buildings Throughout the District

LB2 Protection of Setting of Listed Buildings Throughout the District

- 10.1 The application proposals have been assessed in relation to the relevant statutory duties, including the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and development plan policies.
- 10.2 The NPPF at paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.3 Policies LB1 and LB2 set out the approach to heritage protection. These policies refer to the protection of the historic environment buildings and their setting and contribution to the local scene, and whether the proposed works would bring substantial planning benefits for the community. It is recognised that this is not entirely consistent with the 'language' of paragraphs 193 and 196 of the NPPF, as the Framework refers to 'significance' and levels of 'harm' to heritage assets. However, the Local Plan policies are still relevant to the determination of the application.
- 10.4 No designated heritage assets are located within or immediately adjacent to the area. To the north of the application site is the registered Grade II listed park and garden Latimer Park and the Chenies and Latimer Conservation area.
- 10.5 The wider residential area surrounding the application site contains listed buildings, the nearest being the Grade II listed Loudhams farmhouse and barn. There are a number of other Grade II listed buildings, namely Snells Farmhouse, Sheep Cottages and a milepost south of the junction with Chessfield Park within the village. However, these are all separated from the application site by the existing landscape of residential dwellings, trees and the developed settlement. As such, their settings would not be affected by the proposed development.
- 10.6 Whilst Listed Buildings within Chenies and Latimer are in excess of the 1km from the application site and do not require further consideration it is necessary to consider Listed Buildings of a larger scale and greater significance. Latimer House is located in an elevated position on the southern edge of Latimer Village within the Registered Park and Garden (RPG) at Latimer Park. The Heritage Officer considers that these assets would not be affected given that mutual visibility is not possible given that extensive woodland impedes any direct views between the application site and the open character of the park and garden. The setting of the woodland within the RPG would not be

impacted given the existing modern development to the north of the application site.

- 10.7 The Chenies and Latimer Conservation Area follows a similar boundary to the Latimer Park RPG and it is not considered that the setting of this Conservation Area would be affected.
- 10.8 The proposal includes the demolition of the buildings which form 'Homestead'. This building has been assessed for its potential to be considered as a non-designated heritage asset (NDHA). The complex of buildings at Homestead are more removed from the typical suburban development of semi-detached rows of development synonymous with 'Metroland' given its scale and isolated location, however Homestead features a collection of early twentieth century buildings in the Arts and Crafts architectural style featuring characteristics such as over scaled gables, steep roof slopes and timber detailing that was common at this time. It is considered that extensions and alterations have significantly undermined the original architectural integrity and setting of the buildings and the building does not appear to have been built by an important architect nor for a notable owner. Despite this, the collection of buildings at Homesteads is an important collection of buildings built around the time of major development to the village and the site offers some historic interest. As such a condition relating to the recording of the buildings prior to demolition is required to be attached had the application been recommended for approval.
- 10.9 It is considered that the proposal would preserve the architectural and historic interest of listed buildings and the character and appearance of the conservation areas in accordance with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 . In accordance with local policy requirements and the NPPF, the proposal would cause no harm to the significance of the identified heritage assets.
- 10.10 Policy AS2 is of relevance to proposed development where there is the potential to affect archaeological remains. The proposed site lies within a wider landscape with limited recorded archaeology, however as detailed within the submitted documentation this may be due to the lack of archaeological fieldwork undertaken. It is noted that where works have been undertaken such as at Raans Farm Carpenters & Hillas Woodland, artefact scatters of Mesolithic and Neolithic Date have been identified. Also, Lidar coverage of the area reveals new earthwork sites for example a possible Roman Road route to the south. The site has been subject to disturbance through landscaping, quarrying, services and the installation of the golf course, therefore any archaeology remaining in situ would be affected by the proposed development and as such the significance of any archaeological remains within the proposed development site cannot be known until further investigation has been undertaken. Had the application been recommended for approval then conditions would have been imposed that would require the developer to secure appropriate investigation, recording, publication and archiving of results in order to satisfy paragraph 199 of the NPPF, and Local Plan policy AS2.

## 11.0 Highway Safety, Transport and Access

Core Strategy Policies:

CS4 Ensuring That Development Is Sustainable

CS25 Dealing With The Impact Of New Development On The Transport Network

CS26 Requirements Of New Development

Local Plan Saved Policies:

GC1 Development Throughout the District

TR2 Highway Aspects of Planning Applications Throughout the District

TR3 Access and Road Layout Throughout the District

TR11 Provision of Off-Street Parking for Developments Throughout the District

TR15 Design of Parking Areas Throughout the District

TR16 Parking and Manoeuvring Standards Throughout the District

11.1 NPPF Paragraph 110 advises the following: *“In assessing specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport can be, or have been taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”*

11.2 Paragraph 111 of the NPPF states that: *“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* Paragraph 113 states that *“All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”*

11.3 Policy CS25 relates to dealing with the impact of new development on the transport network. It is necessary to ensure that development will not adversely affect the transport network and that provision is made to mitigate any negative impacts. Policy CS26 requires that new developments provide safe and convenient access on foot and by cycle whilst supporting connections with the existing network and integrating with the local public transport network. Development should not materially increase existing traffic problems with mitigation/improvements secured as necessary. Appropriate and effective vehicular and cycle parking should be provided.

11.4 Policy TR2 sets out a number of principles that proposed developments should accord with. Of relevance to the proposal are the requirements to provide satisfactory access onto the existing highway network; the highway network in

the vicinity of the site should have capacity to accommodate any additional flow of traffic generated by that development without significantly exacerbating any existing overloading or other traffic related problems; traffic of excessive volume size or weight will not be accepted on unsuitable roads, and standards of road safety for all users should, at minimum, be maintained and where appropriate, improved.

- 11.5 Policy TR3 requires highway access and layout arrangements of proposed development to be in accordance with standards adopted by Buckinghamshire County Council and any current policy guidance from the Department for Transport. Also, off-site highway improvements may be required in some circumstances.
- 11.6 Policy TR16 is applicable to off-street parking provision, with vehicle parking standards set out for different forms of development. Suitable provision shall also be made for disabled drivers, motorcycles and cycle parking. Provision should accord with Standards in Policy TR16. Policy TR15 is relevant to the design and layout of car parking areas, with a number of criteria cited.
- 11.7 The site sits to the south of the A404 Amersham Road, linking Amersham and Little Chalfont to the M25 and Chorleywood. The A404 is reached from the site by Burtons Lane to the West and Lodge Lane to the East. These roads provide links through the rural road network to the A413 in Chalfont St Peter and on to the M40 motorway. Within the centre of little Chalfont there is the confluence of Burtons Lane, the A404 and the B4443, Cokes Lane. This confluence takes the form of two junctions in very close proximity, a mini roundabout and a priority junction. There are a number of constraints and limitations around this junction that shall be elaborated on further later in this section of the report. Lodge Lane joins the A404 through a staggered crossroad junction on the eastern boundary of Little Chalfont. It should be noted that Lodge Lane passes under a railway bridge to the north of the site access location, and this forms a constraint on Lodge Lane.

#### Impact on capacity of roads

- 11.8 The Highways Network Impact Assessment has not been carried out using strategic modelling of the site and surrounding areas or agreed with the Highway Authority and is therefore considered to be insufficient. Given the scale and location of the development it should be subject to strategic modelling in order to assess the changes that would be anticipated as a result of re-routing of traffic and different choices that would be made by new and existing users of the network but also to determine the acceptability of any necessary mitigation. Additionally, the applicant has not taken into consideration any committed or potential significant developments in the area. The Highway Authority raise a number of concerns with regard to local junction modelling and conclude that it is not possible to draw definitive locations from the outputs given the comments raised. Concern is also raised in relation to the appropriateness of the year 2026 being used in future assessments. Therefore, it has not been demonstrated that the development would result in an acceptable impact on the free flow and safety of the road network.

## Design Impacts

- 11.9 The proposed access arrangements to the site comprise of two priority junctions, one on Burtons Lane and one on Lodge Lane. Both of these junctions are at the bottom of dips, however they are able to achieve the visibility requirements in both directions (120m on Lodge Lane and 90m on Burtons Lane). Notwithstanding this, the Highway Authority notes that additional information is required in the form of Stage One Safety Audits. Concern is also raised relating to the safe access of large vehicles including buses from Lodge Lane and Burtons Lane. Road widening on Lodge lane is noted with the proposed width considered to be acceptable, however additional information is required relating to forward visibility and the width of the carriageway to demonstrate that two vehicles can pass.
- 11.10A new footbridge is proposed for pedestrian and cycle access over the railway line to the north of the site. Connection to Oakington Avenue and onward to the A404 is considered acceptable in principle, however in order to assess fully details of the pedestrian trips the Highway Authority requires more information from a sustainability perspective. Additional information is also required relating to the passing of traffic through the site, as the proposal details that this would only be possible for service vehicles such as buses to gain access. There is a lack of information as to how service vehicles will be managed along the main route into the site.
- 11.11 With regard to road safety, the area for assessment should be extended by a small amount as this identifies that within the last 5 years a number of accidents have occurred and this requires further investigation.
- 11.12 The deficiencies identified within the Transport Assessment prevent the Highway Authority from assessing the mitigation package proposed.
- 11.13 The internal layout of the site as indicated on the 'Access and Movement Parameter Plan' contains a number of no-through routes that would require refuse and deliver service vehicles to turn and reverse within the site. Consideration should also have been given to the cycle design infrastructure Government guidance (LTN 1/20).

## Sustainable travel

- 11.14 Sustainable transport provision for the site has not been assessed against Buckinghamshire Standards and Guidance and is therefore not considered to be a comprehensive assessment. It is also noted that detail relating to the topography of the site has not been included. As such, the Highway Authority considers that walking and cycling provision requires further assessment and review to demonstrate acceptability with respect to the distance, levels and appropriateness of the provision. Insufficient information relating to the capacity of rail services has been provided to ascertain whether this is an attractive sustainable transport option for future residents and this insufficiency, as well as inaccuracies within quoted train and bus frequency data in the TA, is noted by Transport for London in its comments on the application.

- 11.15 In terms of the draft Travel Plan a number of deficiencies are identified. A suite of Travel Plans within an overarching Travel Plan would be required. The detail within the draft plan does not suggest that any additional measures to encourage walking and cycling beyond natural take up would be proposed. Benefit of the provision of high speed internet connections is limited and the correlation with reduced vehicle trips questionable. Clearly defined travel plan targets are required to allow judgement of whether or not a plan is successful. The information within the draft Travel Plan is insufficient and should be fails to consider Buckinghamshire Council requirements.
- 11.16 The Strategic Access Officer identifies that there are no public rights of way within or close to the site that would contribute to walking and cycling for new residents resulting in no improvements to provide better links to local facilities on the network. Despite this, footpath LCI/11/1 commences near the proposed vehicular access on Lodge Lane and this provides a recreational link to the wider Chess Valley for which there will be more demand. The 'Access and Movement' parameter plan proposes a linking pedestrian route from the internal site layout to a point opposite Footpath LCF/11/1. As such this connection is considered to be acceptable.
- 11.17 Following issuing of consultee comments clarifications were provided by the Agent. In the absence of the required information to properly assess the impacts of the development the Highway Authority's position remains unchanged.
- 11.18 It is considered that insufficient information has been submitted with the planning application to enable the highways, traffic and transportation implications of the proposed development to be fully assessed. The site has not been fully demonstrated to have safe and suitable access, an impact on the highway network that is less than severe, and that appropriate sustainable travel provision can be achieved. The proposed development is contrary to paragraphs 110, 111 and 112 of the National Planning Policy Framework, Core Policies 25 and 26 of the Core Strategy for Chiltern District, Buckinghamshire Council's Highways Development Management Guidance (2018) and the aims of Buckinghamshire's Local Transport Plan 4.

## **12.0 Agricultural Land**

Core Strategy Policies:

Policy CS4 Ensuring that Development is Sustainable

- 12.1 The NPPF, at paragraph 174 b) notes the benefits of protecting the best and most versatile agricultural land (BMV). The footnote to paragraph 171 also states "where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality". The glossary of the NPPF gives the following definition "*Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification.*" In assessing the effects of the development on agricultural land it is necessary to have given consideration to the Agricultural Land Classification (ALC), devised by Ministry of Agriculture

Fisheries and Food (1988). This is the standard method used for determining the quality of agricultural land.

- 12.2 Policy CS4 of the Chiltern's Core Strategy (2011) requires development to comply with the sustainable development principles as set out in Table 1. Criteria P of these principles requires development to take into account "*the presence of the best and most versatile agricultural land when siting new development*".
- 12.3 Sections of the application site which comprise Homestead Farm, to the south and west of the site, are categorised as Grade 3 Agricultural Land in accordance with the National Landscape Character Area assessment (110 The Chilterns) and Natural England data sets. Existing data does not provide clarification as to the sub-category of this ALC. It is therefore not possible to ascertain whether the agricultural elements of the site fall within Grade 3a or 3b.
- 12.4 Whilst it is accepted that soil and agricultural land quality was scoped out of the Environmental Statement as not being a significant EIA matter there is insufficient information available within the application submission to accurately assess the impact of development proposals on the loss of agricultural land. As outlined above, if the site falls within Grade 3a, it is considered best and most versatile agricultural land in accordance with the Framework. The stated lack of viable agricultural land also needs to be evidenced further through commercial viability reports. Although it is acknowledged that only a small segment of the site comprises agricultural land, the unknown quality of this land and lack of rationale provided to support its permanent loss remains a significant consideration in the assessment of the development proposal.
- 12.5 It is therefore considered that there is insufficient information submitted to assess the impact of development proposals on the best and most versatile agricultural land, in accordance with the paragraph 174 of the National Planning Policy Framework (2021) and Policy CS4 of the Chilterns Core Strategy (2011).

### **13.0 Ecology and Biodiversity**

Core Strategy Policies:

CS4 Ensuring that Development is Sustainable

CS24 Biodiversity

CS32 Green Infrastructure

Local Plan Policies:

GC4 Landscaping Throughout the District

GC9 Prevention of Pollution Throughout the District

GB30 Conservation and Enhancement of Rural Landscape in Parts of the Green Belt

NC1 Safeguarding of Nature Conservation Interests Throughout the District

TW6 Resistance to Loss of Woodland Throughout the District

- 13.1 Paragraph 174 of the NPPF emphasises the importance of development that contributes to and enhances the natural and local environment, with paragraph 174 (d) emphasising the importance of minimising impacts and

providing net gains for biodiversity. Paragraph 180 states that when determining planning applications, local planning authorities should refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for. Paragraph 181 states that SACs should be given the same protection as habitats sites.

- 13.2 Core Strategy Policy CS24 states that the Council will aim to conserve and enhance biodiversity within the District. Legally protected species and sites will be protected and enhanced, suitable semi natural habitats and networks will be restored or created, provision will be made to safeguard and enhance ecological interest. Core Strategy policy CS32 aims to identify, protect and enhance strategic green infrastructure assets.
- 13.3 Saved Local Plan policy GC4 states that trees, hedgerows of sound condition and of good amenity and wildlife value, together with any other important landscape features should be retained.
- 13.4 Local Plan policy TW3 resists the loss of trees covered by a Tree Preservation Order (TPO). Trees of good quality, or landscape significance, or amenity value, will be expected to be retained in good condition even where this will restrict, or prevent, development.
- 13.5 Local Plan policy NC1 seeks to safeguard nature conservation interests. Development will be refused where it will significantly harm an acknowledged nature conservation interest of established importance.
- 13.6 The application is supported by an Environmental Statement (ES) and Chapter 12 Ecology, provides an assessment of the proposed development in relation to the effects it would have on ecology and nature conservation. A preliminary ecological appraisal was undertaken in 2019 and subsequently updated in 2021. A variety of other surveys were also undertaken and the results of these submitted as appendices to the ES.
- 13.7 The site is approximately 29 hectares and comprises the disused Little Chalfont Golf Club, the former clubhouse and other buildings, two areas of ancient and semi-natural woodland, and Priority Habitat Deciduous Woodland areas, grassland fields and hedgerows, with Homestead farm and associated buildings located within the west of the site. The site is bordered to the north by a railway line.
- 13.8 Two areas of ancient and semi-natural woodland, 'Stonydean Wood' referred in the ES and Preliminary Ecological Appraisal (PEA) as 'W5' and 'Netherground Spring' referred in the ES and PEA as 'W1' exist within the site boundary. Another seven areas of ancient woodland are located within 1km of the site. Most of the rest of the woodland areas located within the site boundary are designated Natural Environment and Rural Communities (NERC) Act Section 41 Priority Habitat Deciduous Woodland, including the hawthorn scrub area to the north-west of the site. Within a 10km zone of influence from the site ten Local Nature Reserves are located, twelve Sites of Special Scientific Interest (SSSIs)

and one SSSI that is also a designated National Nature Reserve (NNR) 'Ruislip Wood'. Three Local Wildlife Sites are also present within 3km of the site: 'Lane Wood, Ladies' Arbour', 'West Wood LWS, Place house Copse' and 'Meadow adjacent to Lower Water, Latimer'. The site is also located partially within the Chiltern Beechwoods Special Area of Conservation (SAC) 12.6km zone of influence.

#### *Sites of importance*

- 13.9 Natural England has been consulted on this application and raises concerns regarding the impact on the Chiltern Beechwoods Special Area of Conservation. In respect of two constituent SSSIs, these being the Ashridge Commons and Woods and Tring Woodlands. Natural England considers that when there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.
- 13.10 New evidence has been published by Dacorum Borough Council (March 2022) on the impacts of recreational and urban growth at Chiltern Beechwoods Special Area of Conservation. Natural England support the conclusions and recognises that new net residential development within 12.6km of the Ashridge Commons and Woods Site of Special Scientific Interest can be expected to result in an increase in recreation pressure. The 12.6km zone of influence represents the core area around the Special Area of Conservation where increases in the number of residential properties will require a Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development. There is also a 500m avoidance zone around the Ashridge Commons and Woods Site of Special Scientific Interest where no net increase in residential units or accommodation will be permitted.
- 13.11 Part of the application site lies within the 12.6km zone of influence and outside the 500m avoidance zone.
- 13.12 The main impacts of this recreational disturbance include trampling, which has led to the widening of footpaths, compacting soils and churning the ground along the most 'attractive' desire lines. Other disturbance includes, mountain biking damage leading to exposed and damaged tree roots, den building, informal parking, and eutrophication from dog fouling.
- 13.13 Natural England confirm that, in light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended), to housing development within 12.6km of the Special Area of Conservation boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the Special Area of Conservation.
- 13.14 Given the above, the Council has carried out an Appropriate Assessment for the proposed development, which has been included as an appendix to the

report. This concludes that without mitigation measures the development is likely to have a significant effect upon the integrity of the SAC with the result that the Council would be required to refuse this planning application. The proposals are therefore contrary to paragraphs 180 and 181 of the National Planning Policy Framework and Core Strategy Policy CS24.

13.15 Two areas of Ancient Woodland are located within the assessment area.

Standing advice from Natural England and the Forestry Commission detail that protective buffer zones between development of at least 15m of semi-natural habitat (ie. woodland, scrub, grassland or wetland planting) which forms part of the green infrastructure, ie. is not developed land that must be provided. The parameter plans submitted show the location of the 15m buffer zone around the ancient woodland boundary. Impacts on the ancient woodland could also arise from increase in lighting, disturbance from increased recreation and noise disturbance. Particular concern is raised that the indicative layout and parameter plans would result in the area of Ancient Woodland 'Stonydean Wood' being isolated and its connective linear corridor (hedgerow) to the south Priority Habitat Deciduous Woodland removed, due to the location of the proposed development including access road. Enhancements to the Priority Habitat Lowland measure will be a recreational public open space resulting in increased access. It is noted that the Landscape Capacity Study (2017) would have more successfully achieved protection of ancient woodland and habitat connectivity that would contribute to improved and more joined up areas of biodiversity.

*Priority habitats*

13.16 Apart from the areas of ancient woodland other woodland areas within the site are Priority Habitat/Section 41 Habitat of Principal Importance, including the hawthorn scrub area to the north-west of the site. Mature hedgerows are of intrinsic ecological value and whilst some are to be retained, some are proposed for removal. Where retained, buffers to these habitats are unclear and hinder assessment of acceptability of the scheme. Insufficient information is provided to demonstrate that priority habitats have been fully considered.

*Biodiversity Net Gain (BNG)*

13.17 The development will result in the loss of existing habitats and the creation of habitat within the outline scheme, which include sustainable drainage, areas of open space, amenity grassland, built development / hardstanding, gardens, and tree planting. The proposals would need to demonstrate a net gain in biodiversity, in line with the NPPF and Core Strategy Policy CS24. The submitted Biodiversity Metric details that the development will result in a biodiversity net gain of 25.21%, however the Ecology Officer questions the inputs used for the metric and considers that the proposed development is likely to result in a significant biodiversity loss which is contrary to the NPPF. An insufficient level of information has been submitted to demonstrate that the development will result in an overall biodiversity net gain, in line with the NPPF (2021).

*Protected species*

- 13.18 Protected and notable species which have been identified as being affected by the development include bats, badger, reptiles, great crested newt and other amphibians, nesting birds, dormouse and invertebrates.
- 13.19 In terms of protected species, bat activity survey work has not been submitted in accordance with best practice guidance. These surveys are required to determine the impacts of the proposals on bats which is used by 11 bat species including the Barbastelle Bat (a county value species). An insufficient level of information has been submitted to understand the impact of the proposals on bats. Notwithstanding the lack of information provided, it is considered that the proposed mitigation is unlikely sufficient to mitigate harm to bats given that the poor layout of the development would destroy the majority of bat foraging habitat and community routes with increased disturbance. It would be important to maintain connectivity through dark corridors and in areas of high bat activity.
- 13.20 The development falls within the amber risk zone for Great Crested Newt (GCN) where there is suitable habitat and a high likelihood of GCN presence. The Newt Officer concludes that the submitted information is insufficient to allow the likely absence of GCN to be accepted. Surveys have been undertaken outside of the appropriate season and a number of ponds have not been surveyed.
- 13.21 The ES has assessed the impact on breeding birds and concludes that the breeding bird assemblage of the site is of less than local value owing to the bird species assemblage (apart from Red Kite). Red Kite is identified as nesting to the north east of 'Stonydean Wood' in 2019 and 2021 survey years. Whilst it is stated that a 50m buffer will be maintained around the nest this appears to contradict the 20/30m buffer to be retained to this woodland on the parameter plans. Further consideration should be given to the site layout and larger buffers and habitat creation surrounding this woodland. Proposed nesting box provision is currently inadequate given the scale of development proposed. Bird surveys have not been provided for Autumn and Winter seasons.
- 13.22 Nesting birds may be impacted by the removal of scrub, hedgerows and trees during the construction period, and through increased predation by cats and increased recreational disturbance of habitats in the occupation phase. Mitigation measures for long-term habitat creation and management of suitable habitat for nesting birds would be covered within a Construction and Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) – the details of which would have been secured by condition had the application been recommended for approval.
- 13.23 Reptile surveys were carried out in 2019 and updated in 2021 with three species of reptile recorded on site; slow-worm, common toad and grass snake. The population sizes indicate that the site supports a low population of slow worm and grass snake. The site is therefore of significant value for these species. The ES concludes that the proposals will have a less than local value.

However, there is a lack of clarity in terms of the information has been submitted in respect of reptile receptors.

13.24 Dormouse surveys were carried out in 2019 and 2021 with no activity found on site. A precautionary approach should be taken and fully addressed within a CEMP (Construction and Environmental Management Plan) document usually secured had the application been recommended for approval.

13.25 Insufficient survey work has been submitted in relation to badger activity at the site.

#### Lighting

13.26 There is insufficient information to assess the impact on bats and priority woodland arising from lighting.

#### ES Addendum and Clarifications

13.27 Additional information was submitted in the form of an ES Addendum relating to the proposed highways works and a statement of clarification provided in response to the original Ecology Officer response. The clarifications provided do not address any concerns raised within the original response and further comments made raising concern relating to the Lodge Lane Tree removal and absence of associated ecological survey work (particularly due to the potential bat population implications).

13.28 The assessment of the impact of the proposed development on ecology is deficient. Insufficient information has been submitted with regard to protected species. Insufficient information is provided to demonstrate that priority habitats including ancient woodland have been fully considered and to assess the impacts on bats and priority woodland arising from lighting. A Habitats Regulation Assessment has been undertaken and this concludes that without mitigation measures the development is likely to have a significant effect upon the integrity of the Chiltern Beechwoods SAC.

13.29 It has not been demonstrated that the proposed development would not have an unacceptable impact on the natural environment and it has not demonstrated that there would be satisfactory biodiversity enhancements, contrary to Core Strategy Policy CS24 and NPPF paragraphs 8, 174, 180 and 181.

## **14.0 Flooding and drainage**

### Policies:

CS4 Ensuring That Development Is Sustainable

GC10 Protection from Flooding In The Areas as Defined on the Proposals Map And Throughout the District

14.1 NPPF paragraph 159 advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where appropriate, applications should be supported by a site specific flood risk assessment (paragraph 167) and when determining applications LPAs should ensure that flood risk is not increased elsewhere.

NPPF paragraph 169 requires that major developments incorporate sustainable drainage systems, unless there is clear evidence this would be inappropriate. Planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to, or adversely affecting, water resources (paragraph 174).

- 14.2 Policy CS4 of the Core Strategy seeks to ensure the long-term sustainability of development and all new developments are expected to have regard to the sustainability principles set out in Table 1 of Policy CS4. This includes the assessment of surface water drainage impacts and the inclusion of Sustainable Drainage Systems (SUDS).
- 14.3 The site is located in Flood Zone 1, and at the lowest risk of fluvial flooding. The Flood Map for Surface Water flooding shows that the majority of the site lies in an area of very low risk of surface water flooding, however due to the natural topography of the site there are two flow routes which divide the site. One is a high risk flow route, west to east with ponding occurring along the eastern boundary of the site with Lodge Lane. The second flows north to south and is at low risk of flooding, converging with the first flow route in the centre of the site.
- 14.4 During the course of the application additional information has been provided and reviewed by the Lead Local Flood Authority (LLFA). Additional information relating to Surface Water Hydraulic modelling has been provided on site, however does not extend beyond the red line boundary of the site therefore it is not possible to conclude that the risk of offsite flooding would not be increased. Sequentially modelling has been updated to ensure that the buildings indicatively proposed would not be located in areas at risk of surface water flooding.
- 14.5 The surface water drainage strategy proposed is for an infiltration based approach with runoff attenuated within basins before being discharged to soakaways beneath the basins. Despite this, the testing completed does not demonstrate that all of the proposed soakaways will function as necessary and therefore it is not possible to conclude that the scheme will function as intended. Concern is also raised that the location of some of the basins appears to be at risk of surface water flooding. An inaccuracy relating to the drainage layout drawings is noted and the sets of calculations submitted relating to the basins are unclear with information only submitted for three out of four basins.
- 14.6 In the absence of sufficient evidence that infiltration is a viable method of surface water disposal and insufficient information relating to the impact of the proposed development to surface water flooding offsite and to the dry valleys, it is not possible to conclude that the proposals would be able to manage surface water runoff generated by the proposed development or not increase flood risk elsewhere and to future site occupants. As such, the proposal is contrary to Policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011 and guidance contained within the Sustainable Construction and Renewable Energy Supplementary Planning Document,

Adopted 25 February 2015, and the provisions of the paragraphs 167 and 169 of the National Planning Policy Framework (2021).

## **15.0 Environmental issues**

Core Strategy Policies:

Policy CS4: Ensuring that Development is Sustainable

Policy CS25: Dealing with the impact of new development on the transport network

Policy CS26: Requirements of new development

Local Plan Policies:

GC9 Noise Generating Development

GC9 Prevention Of Pollution Throughout The District

GC13 Hazardous Substances Consent Throughout the District

Minerals and Waste Local Plan:

Policy 10 Waste Prevention and Minimisation in New Development

*Ground Conditions, Minerals Safeguarding, Waste*

15.1 The NPPF paragraph 183 advises that planning decisions should ensure that “*a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination*”. Paragraph 184 of the NPPF advises that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

15.2 A Preliminary Risk Assessment has been submitted in support of the application and identifies a number of plausible contaminant linkages that require intrusive investigation. The Environmental Protection Officer considers that were the application to be approved this could be dealt with by way of condition.

15.3 The application site is not located within a Minerals Safeguarding Area and therefore further consideration is not required in this respect. Policy 10: Waste Prevention and Minimisation in New Development is relevant as it requires major development to demonstrate how the efficient use and recovery of resource will be undertaken. Chapter 6: Development Programme, Demolition and Construction of the Environmental Statement details at paragraph 6.30 that the development will utilise re-use and recycling principles with the detail provided within a Site Waste Management Plan and Construction Environmental Management Plan. As such it is considered that compliance with Policy 10 could be achieved.

*Air Quality*

15.4 NPPF paragraph 174 states that decisions should contribute to and enhance the natural and local environment by amongst other things, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Development should, wherever possible, help to improve local environmental conditions such as air and water quality. Paragraph 186 of the NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account

the presence of Air Quality Management Areas (AQMA) and Clean Air Zones. Opportunities to improve air quality and or mitigate impacts should be identified.

- 15.5 Local Plan policy GC9 states that development likely to generate unacceptable levels of air pollution will not be permitted.
- 15.6 The ES Chapter 9 considers the construction and operational effects associated with air quality. During construction, there is a risk that existing receptors may be affected by dust generated. The proposed development will generate traffic and the effects of vehicle emissions has been considered.
- 15.7 Whilst the application as submitted would be acceptable subject to condition the integrity of the results produced by Air Quality modelling is reliant on the accuracy of the input data used. Traffic data used in the Air Quality Assessment is based on the transport data submitted in support of the application. The Highway Authority has expressed concerns over the transport data including the use of outdated baseline data. An underestimation of trip rates from the developments would result in an inaccurate assessment of the development on Air Quality.

#### *Noise & Vibration*

- 15.8 NPPF paragraph 174 states that decisions should contribute to and enhance the natural and local environment by amongst other things, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Paragraph 185 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should identify and protect tranquil areas which have remained relatively undisturbed by noise.
- 15.9 Core Strategy policy GC7 states that noise-generating development will not be permitted where the noise levels and/or the noise characteristics which would result from that development would cause an unacceptable degree of disturbance.
- 15.10 ES Chapter 10 assesses the potential noise and vibration impacts of the proposed development. The impacts of construction noise and vibration on existing and prospective residential properties would be mitigated through a CEMP. It is concluded that any moderate impact would be short term. Environmental noise and vibration issues would require further consideration at reserved matters stage when design and layout is confirmed.

#### *Utilities*

- 15.11 Paragraph 8 of the Framework (2021) stipulates that the economic objective of achieving sustainable development requires identification and coordination of infrastructure provision. Policy CS31 of The Chiltern's Core Strategy (2011)

requires that new development ensures *“adequate infrastructure capacity is available to meet the needs of future occupiers and not intensify existing deficiencies”*.

15.12 Development proposals are accompanied by a utility statement dating November 2021. This statement demonstrates that the application site is serviced by Cadent Gas low/medium pressure mains adjacent to the site with no infrastructure provision available within the site itself. Proposals for diverting/ lowering the existing gas mains in order to facilitate connections into the site have not yet been devised, and are subject to further detail required by a heating strategy, to be submitted at Reserved Matters stage. Cadent Gas Ltd have raised no objection to the proposal on this grounds, subject to a recommended informative had the recommendation been to grant planning permission.

15.13 Scottish and Southern Networks are the distribution network operator for the application site area, again, a network of high voltage (HV) and low voltage (LV) cables service the vicinity of the application site, but not the site itself. New electricity connections are therefore required. The Climate Change Officer has reviewed the Utilities Statement and details that an adequately sized grid connection for the development is required due to the increasing move to electrify new build housing for both transport and heating. Had the application been recommended for approval it would have been appropriate to secure this requirement via condition.

15.14 Overreach telecommunication cables are located in the vicinity of the site, with the potential for connections into the site. Superfast broadband speeds are also available within the area. The application site does not currently have a connection to a potable water supply. The strategy submitted identifies that there will be connection to potable water supply and the applicant has sought input from Affinity Water relating to the provision of a new main and connections to serve the site.

15.15 Connection to Foul Water drainage has been included within drainage strategy documents, with a new foul pumping station proposed to serve the development and eastern catchment of the site. Thames Water do not have any objection to the planning application, based on this information provided.

15.16 Given the above information, and the fact the application is at outline stage, the infrastructure provision assessed and proposed is considered adequate; in-line with paragraphs 8 and 124 of the Framework (2021) and Policy CS31 of the Chilterns Core Strategy (2011).

## **16.0 Climate change and sustainability**

Core Strategy Policies:

CS4 Ensuring That Development Is Sustainable

CS5 Encouraging Renewable Energy Schemes

Sustainable Construction and Renewable Energy Supplementary Planning Document, Adopted Feb 2015

- 16.1 The NPPF at paragraph 152 states that the planning system should support the transition to a low carbon future in a changing climate, and it should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions and support renewable and low carbon energy and associated infrastructure.
- 16.2 Core Strategy Policy CS4 sets out sustainable energy requirements for new development, with all new major development expected to have regard to this policy, to ensure long-term sustainability of development and help contribute towards national targets to reduce overall CO2 emissions. Policy CS5 encourages the use of renewable energy in schemes. In developments of more than 10 dwellings or 1,000 square metres of non-residential floorspace, the Council will require that at least 10% of their energy requirements are from decentralised and renewable or low-carbon sources. Other relevant guidance is provided in the Sustainable Construction and Renewable Energy Supplementary Planning Document.
- 16.3 The application is supported by an Energy and Sustainability Statement and Climate Change with specific matters considered within the relevant technical chapters of the Environmental Statement. In line with the energy hierarchy a tiered approach is taken to carbon emissions within the submission.
- 16.4 The Climate Change Officer considers that the approach taken within the energy strategy is broadly reasonable, with more detail to either come forward at reserved matters stage or to be secured by condition were the application to be determined favourably.
- 16.5 Concerns have been raised by the Officer relating to the Environmental Statement and the whole life cumulative carbon emissions resulting from the proposed development including construction and operation. Further to the publication of Officer comments the Agent provided clarification relating to this issue and it is accepted that the need for further information could be appropriately dealt with by condition had the application been recommended for approval.

## **17.0 Infrastructure and developer contributions**

Core Strategy Policies:

CP6 (Local infrastructure needs)

Local Plan Saved Policies:

COM1 (Provision of community facilities)

- 17.1 Core Policy 6 states that the Council will use obligations where appropriate to secure provision of essential infrastructure directly and reasonably related to the development. Any agreement would be subject to having regard to the statutory tests for planning obligations in the Community Infrastructure Levy regulations and the National Planning Policy Framework.
- 17.2 The applicant states they are willing to enter into a S106 agreement to deliver relevant planning obligations, subject to the required justification, and has submitted draft Heads of Terms. Were the development considered acceptable

further consideration would be given to the whether the proposed obligations are CIL compliant and any additional items required to make the development acceptable.

17.3 The development is a type of development where CIL would be chargeable. This would include £150 per square metre for C3 (dwellings), £35 per square metre for C2 (Residential Institutions including care homes), £150 per meter squared for E(a), E(b) (retail and food and drink) uses, £35 for E(e) medical services and £35 per square metre for other uses including F2(b) community halls and meeting places.

## **18.0 Weighing and balancing of issues / Overall Assessment**

18.1 This section brings together the assessment that has so far been set out in order to weigh and balance the relevant planning considerations in order to reach a conclusion on the application.

18.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications are determined in accordance with the development plan unless other material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations

18.3 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, to the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

18.4 Human Rights: In line with the Public Sector Equality Duty the LPA must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). The application provides for housing and associated development. It is not considered that discrimination or inequality would arise from the proposal.

18.5 The Human Rights Act 1998 does not impair the right of the state to make decisions and enforce laws as deemed necessary in the public interest. The recommendation is considered appropriate in upholding the Council's adopted policies and is not outweighed by any engaged rights.

18.6 The Council is currently unable to demonstrate the five-year supply of deliverable housing sites. As set out within the Chiltern and South Bucks Interim Five-Year Housing Land Supply Calculation (at 1st April 2020, published

11th September 2020) the Chiltern Area can demonstrate 4.18 years supply. In the absence of an up to date five-year supply of housing land, and in accordance with NPPF paragraph 11 there is a presumption in favour of sustainable development. As the site lies within the Green Belt, is at risk of flooding and affects the Chilterns Beechwoods Special Area of Conservation paragraph 11d) i) of the NPPF is engaged. This requires that planning permission should be granted unless *'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'*. It is necessary to apply the development control tests relating to the Green Belt in particular to ascertain whether these provide a clear reason for refusal.

- 18.7 The NPPF sets out in paragraph 147 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'Very Special Circumstances'. Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 18.8 Development should be regarded as inappropriate in the Green Belt except in specified exceptions as set out in NPPF Paragraph 149 (a – g). Saved Local Plan policy GB1 similarly identifies categories of development that may be considered appropriate. The proposed development does not fall within any of the exceptions listed in paragraph 149 or GB1. The proposals are therefore inappropriate development based on this paragraph of the NPPF and contrary to development plan policy.

#### ***Green Belt and other harm***

- 18.9 The assessment of the proposals against the Green Belt purposes concludes that there are clear conflicts. Given the open character of the agricultural fields, golf course and the existing mature tree belts and woodland it is considered that the development would result in significant spatial and visual impact on the openness of the Green Belt. The proposal would conflict with three out of the five purposes of including land in the Green Belt. The proposal would not accord with policy GB2 of the Local Plan and the NPPF. The harm to the Green Belt is very substantial and this harm is afforded very substantial weight. As a result, it is necessary to establish whether there are any 'Very Special Circumstances'. The NPPF states at paragraph 148 that VSC 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. The assessment of 'other harm' is considered further below.
- 18.10 The proposed development and landscape strategy would give rise to significant detrimental harm to impacts on the landscape setting and character of the area. The proposal is contrary to the Landscape Capacity Assessment for the site provided in the withdrawn Local Plan Evidence base with the proposed

spread and density of development failing to adequately consider the landscape character and site features including the dry valley topography. The relationship with the Chilterns AONB would be fundamentally changed with harm to its setting. Tree removal on Lodge Lane and the associated retaining wall structure to facilitate the proposed highway works to widen Lodge Lane are harmful and would result in harm to the character of Lodge Lane and the woodland itself. Harm to the Burtons Lane to Doggetts Wood Lane Area of Special Character is noted with the landscape design failing to appropriately respond to this character. Insufficient detail relating to mitigation and the effect of lighting across the site including in relation to sensitive landscape features has been provided and it is considered that harm to a number of views from outside the site are underestimated. This results in further harm which would be afforded substantial negative weight.

18.11 The layout of the proposed development as framed by the parameter plans gives rise to concerns as they are not considered to result in a high quality outcome. The comments of the landscape and urban design officers highlight concerns relating to the potential for the development to either be too intensive in some locations resulting in harm to landscape character or not intensive enough in other locations preventing an appropriate urban design response. Concerns relating to disconnected street networks are also raised, with the proposed development effectively operating as two large cul-de-sacs and insufficient clarity provided regarding use of the central access road. Provision of natural/semi natural green space well in excess of requirements is noted, and whilst this may mitigate some pressure on 'Stonydean Wood' (an area of Ancient Woodland) concern is raised regarding the mechanisms to be put in place with regard to preventing access and the development parameters are likely to give rise to conflict between amenity/recreation and biodiversity which could be addressed through better design. The proposals also fail to consider and respond to the character in this location with no regard given to the Townscape Character Study and Residential Area of Exceptional character. This results in further harm which would be afforded moderate negative weight.

18.12 It is considered that insufficient information has been submitted with the planning application to enable the highways, traffic and transportation implications of the proposed development to be fully assessed. The site has not been fully demonstrated to have safe and suitable access, that the impact on the highway network that is less than severe, and that appropriate sustainable travel provision can be achieved. This results in further harm which would be afforded moderate negative weight.

18.13 The assessment of the development on ecology is deficient and lacks necessary information on protected species. It has not been demonstrated that the proposed development would not have an unacceptable impact on the natural environment including on the Chiltern Beechwoods SAC or result in biodiversity enhancements. This results in further harm which would be afforded significant negative weight.

18.14 It has not been possible to conclude that the development would not result in loss of BMV agricultural land which would be afforded negative weight as the permanent loss of agricultural land cannot be mitigated. This results in further harm which would be afforded limited negative weight.

18.15 It has not been demonstrated that the air quality impacts of the proposal would not have an unacceptable impact on human health or biodiversity including on the Chiltern Beechwoods SAC. This results in further harm which would be afforded moderate negative weight.

18.16 It is not possible to conclude that the proposals would ensure that flood risk is not increased elsewhere and to future site occupants. This results in further harm which would be afforded limited negative weight.

### ***Benefits***

18.17 The benefits put forward to support Very Special Circumstances (VSC) include:

- Lack of suitable alternative sites/strategy to meet need
- Housing Need
- Meeting acute affordable housing need
- Contributing to custom build need
- Meeting the needs of an ageing population
- Economic benefits
- Open space benefits
- Community infrastructure provision

18.18 The case for Very Special Circumstances is supported by an assessment of the lack of alternative sites/strategy to meet the need. The provision of housing given the need is a benefit and where the Council cannot demonstrate a 5 years' supply of housing. Chiltern can demonstrate a 4.18 year supply of housing between 2020-2025. Whilst suggested no alternative sites within the Chiltern area are available a material factor in meeting housing need is the adoption of the Vale of Aylesbury Local Plan (VALP) in September 2021 which makes provision for unmet need from the former Wycombe, Chiltern and South Bucks Districts. A total of 5,725 dwellings from the former Chiltern and South Bucks areas will be accommodated by the plan over the plan period to 2033. This inclusion effectively reduces the housing target for the Chiltern area and as such impacts on the 5 year housing supply calculation for this area. The Council is in the process of updating the 5 year housing supply position statement in light of the adoption of VALP and to incorporate the most up to date housing delivery data. As such it is considered that this dilutes the weight that can be attributed to the delivery of housing as a benefit of the scheme. It is considered that housing delivery is a benefit that can be attributed moderate weight.

18.19 The provision of affordable housing is a benefit of the scheme. The adopted VALP provision for unmet need in the former Bucks Districts (estimated at

5,725 dwellings) would be subject to Policy H1 which seeks 25% affordable housing on qualifying development sites. The affordable housing provision would merely be policy compliant at 40%. It is considered that significant weight can be attributed to the delivery of affordable housing as a benefit of the scheme.

18.20 Provision for self-build / custom build homes is a benefit of the scheme. It is noted that there are 154 applications that have been approved for inclusion on Parts 1 and 2 of the Council's Self-Build and Custom Housebuilding Register, however the Council only has a duty to grant permission for enough suitable serviced plots of land to meet the demand of entries on Part 1 of the Register. Part 1 of the Register contains just 36 applications for the period 2019-2021. The applicant references an appeal decision in Chiltern District and details that the provision of self-build housing was attributed substantial weight. It appears that the entirety of the scheme was for provision of 31 affordable self-build plots and given the generous supply of self-build housing on a site this was attributed significant weight. This scheme for outline planning consent does not detail the number of self-build plots to be provided and whether these will be affordable or market housing. The provision of plots for self-build / custom homes is a benefit of the scheme that can be attributed limited weight as a benefit of the scheme.

18.21 Development Plan policy requires Specialist Housing to be provided within the existing built up areas including Little Chalfont within proximity of shops, health and community facilities. A number of arguments are advanced by the applicant in respect of why the proposed elderly care provision is a VSC. The growth in the older population above 85 years is accepted. That 5 existing care homes within a five mile radius of the site require improvement as assessed by the Care Quality Commission is not considered to weigh in favour of the proposal as there would be greater benefit in the modernisation and improvement of existing facilities. The potential contribution to the housing market is noted, and that provision of such a facility has the potential to free up housing. Information relating to delayed transfers from hospital are noted as being marginally higher in Buckinghamshire than the national average. Of these delayed transfers 13% of delays were due to 'awaiting residential home placement or availability' and 11% due to 'awaiting nursing home placement or availability'. Whilst it is accepted that this issue accounts for a quarter of bed blocking, the addition of care facilities associated with the development is not considered likely to result in a significant improvement. Whilst the information provided within the submission and in relation to Buckinghamshire suggests that bed blocking could be an issue at the Amersham hospital the specific data provided does not give further certainty in relation to this potential benefit. It is considered that the provision of accommodation to meet the needs of an ageing population could be attributed moderate weight.

18.22 The inclusion of community infrastructure provision in the form of a 'Community Hub' is noted, however, justification of the need for this facility and how the proposed uses would serve the existing community of Little Chalfont and future residents of the site has not been provided. In this context

it is considered that the community hub could only be attributed limited weight as a benefit of the scheme.

18.23 It is proposed to provide circa 11.74ha of public open space whereas the Fields for Trust requirement would be 3.33ha. It is noted that the majority of this is Natural / Semi Natural space (8.30ha). The amenity green space proposed is 1.35 ha against a need (Fields for Trust) of 0.55ha. There is also provision of 0.23ha of allotments / Community Grow space. Public space provision is a benefit that could only be attributed only limited weight as it primarily serves the development itself.

18.24 In support of the application an Economic Benefits Statement has been provided. It is detailed that the development will support 439 construction workers and £48 million Gross Value Added per annum over the four year construction period, deliver 380 homes including affordable housing, generate £11.5million per year in additional spend as a result of residents living in new homes and retirement units, support 118 gross jobs on site adding £4.9m in GVA to the economy each year as a result of people working in the retirement units, care home and community facility and generate revenue to Buckinghamshire Council in Council tax each year. The economic benefits of construction would be short term only. This and benefits including income via the Council Tax revenues are considered to be relatively minor. The creation of additional jobs on site can be considered a benefit. It is considered that the economic benefits of the scheme should be attributed limited weight in the planning balance.

### *Conclusion*

18.25 The applicants' case relies heavily on the site's proposed allocation within the withdrawn Draft Chiltern and South Bucks Local Plan 2036 (Site Allocation Policy SP BP6 – Land Little Chalfont) as justification for why the principle of development should be considered acceptable. However the Draft Chiltern and South Bucks Local Plan 2036 was never examined as it was withdrawn. Therefore the policies contained within it hold no material weight in planning decision-making. Notwithstanding this, the application site covers a smaller area than draft site allocation SP BP6 which the Draft Local Plan intended would be delivered as part of a wider strategic allocation, together with necessary infrastructure to mitigate the impacts of the development.

18.26 The Very Special Circumstances case in effect seeks to translate the Exceptional Circumstances case put forward to support the proposal to remove the application site from the Green Belt, through the now withdrawn Local Plan. However that case and the supporting evidence base was derived from the context of strategic plan-making. NPPF paragraph 140 states that "*Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.*" Individual planning applications for development within the Green Belt cannot rely on the policy provisions for altering Green Belt boundaries.

18.27 The NPPF reiterates that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 confirms that 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.*

18.28 The Green Belt balance has set out all of the harms on one side and all of the benefits and other material considerations on the other side of the balance and officers have concluded that all of the harms are not clearly outweighed by all of the benefits. ‘Very Special Circumstances’ do not exist in this case.

18.29 It is considered that the application of policies in the National Planning Policy Framework provides a “clear reason for refusing” the development proposal under NPPF paragraph 11(d)(i). It is concluded that the proposals are in conflict with the development plan policies in so far as they relate to the Green Belt, design and the built environment, the natural environment, accessibility, sustainability and transport. There are no other material considerations that have a bearing on the planning balance. The proposals represent unsustainable development and it is recommended that permission be refused for the reasons set out.

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

19.1 The Council notes paragraph 38 of the NPPF (2021). Pre application advice was sought on the principle of the proposed development prior to the submission of the application. In this instance the application was determined without delay, following a brief extension on time to allow consultation on the submitted ES addendum.

19.2 A number of meetings and discussions were held with the applicant during the determination of the application. The applicant was advised that the proposal did not accord with the development plan, that no material considerations are apparent to outweigh these matters and provided the opportunity to withdraw the application.

## **20.0 RECOMMENDATION: Refuse permission for the following reasons:**

### **Green Belt**

1. The proposed development would constitute inappropriate development and will result in spatial and visual harm to the openness of the Green Belt. In addition, the proposals will lead to a conflict with the Green Belt purposes. The benefits of the scheme taken together do not clearly outweigh the harm and other harm (identified in the subsequent reasons for refusal). ‘Very special circumstances’ have not been demonstrated to justify this inappropriate development in the Green Belt. The proposal is therefore contrary to Policy GB2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011 ('the Local Plan'), Policy CS1 of the Core Strategy for Chiltern

District (Adopted November 2011) ('the Core Strategy'), and paragraphs 137, 138, 147, 148, 149 and 150 of the National Planning Policy Framework (2021).

### **Landscape and visual character**

2. The proposed development would give rise to significant detrimental impacts on the landscape character of the area and the views from outside the site are underestimated. Harm would result to the landscape setting with the proposed spread and density of development being too great and failing to adequately take account of the existing landscape character and site features including the characteristic dry valley topology. The character of Lodge Lane and Burtons Lane and their relationship to the adjoining landscape including the Chilterns Area of Outstanding Natural Beauty would be fundamentally changed with the setting of this feature harmed. The proposed tree removal on Lodge Lane with associated replacement retaining structure would result in harm to the character of Lodge Lane and the woodland itself. Insufficient information has been provided regarding to retention of category of A and B trees within the site. Harm to the Burtons Lane to Doggetts Wood Lane Area of Special Character is noted with the landscape design failing to appropriately respond to this character. Insufficient detail relating to the effect of lighting across the site including in relation to sensitive landscape features has been provided and the implied benefits of new planting and management are not detailed or controllable enough to be considered a reliable balance to weigh against the identified harms. The proposal is therefore considered to be in conflict with Policies CS22 and CS32 of the Adopted Core Strategy for Chiltern District (November 2011) and Policies GC4, GB30, H4, LSQ1 and TW6 of the Adopted Chiltern Local Plan 1997 (including alterations adopted May 2001), Consolidated September 2007 & November 2011, the Chiltern and South Bucks Townscape Character Study (November 2017) and paragraphs 130, 131 and 174 of the National Planning Policy Framework (2021).

### **Design and Layout**

3. The development parameters and layout represent poor design which would fail to relate positively to the site and local context. The parameters plans would result in a layout which would give rise to harm to landscape and ecological features on the site and in design terms would not give the Council sufficient control to secure high quality design outcomes at reserved matters stage. Priority habitat is to be removed, retained ancient woodland would be subject to adverse recreational pressure, the street network is disconnected and there is the potential for harmful high density development within sensitive locations on the site. The application submission does not consider the characteristics and context of this site in relation to the settlement Little Chalfont and fails to address the Burtons Lane to Doggetts Wood Lane Area of Special Character. The development is therefore considered to represent poor design contrary to policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011), policies GC1 and GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011, the Chiltern and South

Bucks Townscape Character Study (November 2017), as well as paragraphs 124 and 130 of the National Planning Policy Framework (2021), and the National Design Guide (2019).

#### **Impact on the highways**

4. It is considered that insufficient information has been submitted with the planning application to enable the highways, traffic and transportation implications of the proposed development to be fully assessed. It has not been satisfactorily demonstrated that there would not be an unacceptable impact on the capacity of the road network, that there would be safe and suitable access, that the impact on the highways network would be less than severe, and that appropriate sustainable travel provision can be achieved. The proposed development is contrary to the Core Policies 25 and 26 of the Core Strategy for Chiltern District, Buckinghamshire Council's Highways Development Management Guidance (2018) and the aims of Buckinghamshire's Local Transport Plan 4 and paragraphs 110, 111 and 112 of the National Planning Policy Framework (2021).

#### **Ecology**

5. The assessment of the development on ecology is deficient and lacks the necessary information relating to protected species and priority habitats. It has not been demonstrated that the proposed development would not have an unacceptable impact on the natural environment. Lastly, it has not demonstrated that there would be satisfactory biodiversity enhancements. The proposals are therefore contrary to Policy CS24 of the Core Strategy for Chiltern District, Paragraphs 8, 174, 180 and 181 of the National Planning Policy Framework (2021), ODPM Circular 06/2005 and the Conservation of Habitats and Species Regulations 2017.

#### **Chiltern Beechwoods SAC**

6. The Council considers that the proposed development would by reason of its proximity lying within a 12.6k metre linear distance of the Ashridge Commons and Woods Site of Special Scientific Interest within the Chiltern Beechwoods Special Area of Conservation would add to the recreational disturbance in this area likely to harm the integrity of the conservation purposes of the Chiltern Beechwoods Special Area of Conservation. In the absence of a legal obligation to secure an appropriate mitigation strategy to the satisfaction of the Local Planning Authority, the proposal would be contrary to the Habitat Regulations and paragraphs 180 and 181 of the National Planning Policy Framework and Policy CS4 of the Core Strategy for Chiltern District.

#### **Affordable Housing**

7. For developments of this scale, Core Strategy Policy CS8 seeks to secure at least 40% of dwellings to be provided in the form of units of affordable accommodation on site, unless it is clearly demonstrated that this is not economically viable. The application proposes that 40% of the units subject to

viability shall be for affordable accommodation. In the absence of a suitable and completed legal agreement and a mechanism to secure the provision of this affordable housing, the proposed development would be contrary to policy CS8 of the Core Strategy for Chiltern District (2011) as well as the aims of section 5 of the National Planning Policy Framework (2021).

#### **BMV Agricultural Land**

8. There is insufficient information submitted to assess the impact of the development proposals on agricultural land including 'best and most versatile' use of agricultural land, contrary to Policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011 and paragraph 174 of the National Planning Policy Framework (2021)

#### **Education**

9. In the absence of a suitable and completed legal agreement and a mechanism to secure the provision of a school and financial contributions, the proposed development would be contrary to policy CS31 of the Core Strategy for Chiltern District (2011) as well as the aims of section 8 of the National Planning Policy Framework (2021).

#### **Air Quality**

10. The integrity of the Air Quality modelling undertaken to support the proposals is reliant on traffic modelling which is not up to date. It has not been satisfactorily demonstrated that the air quality impacts of the proposal would be acceptable in terms of human health or biodiversity including on the Chiltern Beechwood SAC, contrary to Policy GC9 of the Chiltern District Local Plan Adopted 1997 (including alterations adopted 29 May 2001) and paragraph 174, 180 and 181 of the National Planning Policy Framework (2021).

#### **Flood Risk**

11. It has not been demonstrated to the satisfaction of the LPA that there would not be an unacceptable impact upon surface water flood risk. As such, the proposal is contrary to Policy CS4 of the Core Strategy for Chiltern District, Adopted November 2011 and guidance contained within the Sustainable Construction and Renewable Energy Supplementary Planning Document, Adopted 25 February 2015, and the provisions of the paragraphs 167 and 169 of the National Planning Policy Framework (2021).