



Strategic Sites Committee Update

Application Number:	PL/21/4632/OA
Proposal:	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).
Site Location:	Land Between Lodge Lane and Burtons Lane, Little Chalfont, Buckinghamshire
Applicant:	Biddulph (Buckinghamshire) Ltd (Mr D Cox)
Case Officer:	Laura Peplow
Ward affected:	Little Chalfont & Amersham Common
Parish-Town Council:	Little Chalfont
Date Application Valid date:	7 December 2021
Determination date:	25 April 2022
Recommendation:	Refuse permission.

REPORT CLARIFICATIONS

Page 34 Paragraph 9.5

Addition of 'would result' at end of sentence.

'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 *would result.*'

Page 44 Paragraph 13.9

Replace full stop at end of second sentence and beginning of third with a comma.

REFUSAL REASON AMENDMENTS

Reason 1 Green Belt

For clarity amendment to line 4 (page 59) within the committee report – addition of wording “to the Green Belt”.

'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 *to the Green Belt* 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).'

Reason 2 Landscape

Report page 60, amended to include paragraph NPPF paragraph 185 and for clarity to read:

'The proposed development would give rise to significant detrimental impacts on the landscape character of the site and the detrimental effects on views from outside the site are underestimated. Landscape Harm would result from 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 topography. The character of Lodge Lane in the vicinity of the site would be significantly harmed with the proposed tree removal with associated replacement retaining structure resulting in harm to the character of Lodge Lane, the woodland itself and the setting of the adjacent AONB. 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 assessment has been provided relating to the detrimental effect of lighting on the landscape character and features of the site and its effect on views from outside the site 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, 174 and 185 of the National Planning Policy Framework (2021).'

Reason 3 Design and Layout

Report pages 60-61 amended to delete the repeated wording 'represent poor design' and include paragraph 180 of the NPPF which details that:

'b) development resulting in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (63) and a suitable compensation strategy exists'

Footnote 63 relates to infrastructure projects where public benefits would clearly outweigh loss or deterioration of habitat.

Given the GB harm and other harm that has been identified there are not wholly exceptional reasons to justify the impact on the Ancient Woodland. It is considered that the proposed development would be contrary to paragraph 180 of the NPPF.

'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 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, 130 and **180** of the National Planning Policy Framework (2021), and the National Design Guide (2019).'

Reason 6 Chiltern Beechwoods SAC

For clarity amendment to line 5 (page 61) within the committee report – addition of wording "and would be" between "area" and "likely".

'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 **and would be** 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.'

Reason 10 Air Quality

Report page 62, amended to include paragraph NPPF paragraph 185.

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 paragraphs 174, 180, 181 and 185 of the National Planning Policy Framework (2021).

CORRESPONDENCE SENT TO COUNCILLORS

An email was circulated to Strategic Sites Committee Councillors on 12/04/22 which made comments in support of the application in particular in relation to the need for housing and the planning policy context. It is not considered that any new issues were raised.

ADDITIONAL SUPPORTING INFORMATION/CORRESPONDENCE FROM AGENT

Lodge Lane Landscape Strategy 24469 IND02E Lodge Lane received 05/04/22

- This document relates to the Lodge Lane widening works proposed and does not change officer assessment of the impacts in this location.

JTP Urban design response received 14/04/22

- A further letter has been received reinforcing the use of parameter plans as being appropriate for an outline application and seeking to explain how local character/context has been taken into consideration.

Response to Officer report letter received 20/04/22

- The letter details that the applicants would have liked the opportunity to engage in further discussion during the planning application relating to technical matters including the Chiltern Beechwoods SAC.

NATURAL ENGLAND – FURTHER CONSULTATION RESPONSE

Further consultation response received confirming that Natural England agrees with the conclusion within the Habitat Regulation Assessment (Committee Report Appendix C):

Planning consultation: Appropriate Assessment - Outline for the demolition of all existing buildings & the erection of residential dwellings including affordable housing, custom build (Use Class C3), retirement homes & care home (Use Class C2), new vehicular access point off Burtons Lane, improvements to existing Lodge Lane access including works to Lodge Lane & Church Grove etc. Location: Land Between Lodge Lane and Burtons Lane, Little Chalfont, Buckinghamshire.

Thank you for your consultation on the above dated 11 April 2022 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Habitats Regulations Assessment

Based on the information submitted, Natural England agree with the conclusion of the HRA that as it stands the development would have an adverse impact on the integrity of the Chilterns Beechwoods Special Area of Conservation.

Chilterns Beechwoods Special Area of Conservation

Footprint Ecology carried out research in 2021 on the impacts of recreational and urban growth at Chilterns Beechwoods Special Area of Conservation (SAC), in particular Ashridge Commons and Woods Site of Special Scientific Interest (SSSI). Due to this new evidence, Natural England recognises that new housing within 12.6km of the internationally designated Chilterns Beechwoods SAC can be expected to result in an increase in recreation pressure.

The 12.6km zone proposed within the evidence base carried out by Footprint Ecology represents the core area around Ashridge Commons and Woods SSSI where increases in the number of residential properties will require 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.

In addition Footprint Ecology identified that an exclusion zone of within 500m of the SAC boundary was necessary as evidence indicates that mitigation measures are unlikely to protect the integrity of the SAC.

Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. The report identified several ways in which public access and disturbance can have an impact upon the conservation interest of the site, these included:

- Damage: encompassing trampling and vegetation wear, soil compaction and erosion;
- Contamination: including nutrient enrichment (e.g. dog fouling), litter, invasive species;
- Fire: increased incidence and risk of fire; and
- Other: all other impacts, including harvesting and activities associated with site management.

In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, to housing development within 12.6km of the SAC 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 SAC.

Natural England are working alongside all the involved parties in order to achieve a Strategic Solution that brings benefits to both the SAC and the local area to deliver high quality mitigation. Once the strategy has been formalised all net new dwellings within the 500m - 12.6km zone of influence will be expected to pay financial contributions towards the formal strategy. In the Interim we are looking for bespoke mitigation to avoid adverse impacts upon the SAC from

recreational disturbance.

Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 62.

Should the developer wish to explore options for avoiding or mitigating the effects described above with Natural England, we advise they seek advice through our Discretionary Advice Service.