

PL/18/3410/OA

Case Officer: Laura Rheiter

Date Received: 14.09.2018

Decide by Date: 17.12.2018

Parish: Great Missenden

Ward: Ballinger South Heath And Chartridge

App Type: Outline Application

Proposal: Outline application for demolition of dwelling, and erection of 7 dwellings (retaining 3 existing dwellings) with car parking, landscaping, amenity space and associated vehicular access (matters to be considered at this stage: access)

Location: Stepping Stones
Ballinger Road
South Heath
Great Missenden
Buckinghamshire
HP16 9QH

Applicant: Amplio Developments Ltd

SITE CONSTRAINTS

Article 4 Direction

Adjacent to C Road

Adjacent to Unclassified Road

Area Special Adv. Control

Within Chilterns Area of Outstanding Natural Beauty

Brownfields CDC

Within Green Belt other than GB4 GB5

North South Line

Within 500m of Site of Importance for Nature Conservation NC1

GB settlement GB5,6,12,23,H7,13,19

CALL IN

Councillor Jones has requested that the application be referred to the Planning Committee, regardless of the Officers' recommendation.

SITE LOCATION

The property is located within the Green Belt Settlement of South Heath. The site is bound by housing to the north, south, east and west. The site is located off Ballinger Road and comprises the detached dwellings Stepping Stones, Orchid Cottage, Holly Cottage and No. 4 Lappetts Lane. The latter three are to be retained within the development.

THE APPLICATION

The application is made in outline, with only access for consideration at this stage. All other matters would be reserved matters to be determined under a separate application (layout, scale, appearance and landscaping).

The application seeks outline planning permission for the demolition of the dwelling Stepping Stones, retention of Orchid Cottage, Holly Cottage and No. 4 Lappetts Lane and erection of 7 new dwellings with

associated access, provision of hardstanding, car parking, landscaping and garden and amenity space and existing curtilage/boundary rescaling.

Therefore any drawings other than the drawing Proposed Access Visibility Splays provided with the application are for illustrative purposes only and are therefore not subject to detailed consideration within the report. It is important to note that the layout of dwellings illustrated on the drawings is purely an indication of where dwellings could be sited. If approved, this layout is not binding, as this would be a detailed matter subject to a subsequent planning application for the reserved matters.

This report will therefore consider the access onto the public highway and the principle of residential development on the site, which are the only two issues for consideration.

The application was supported by a Planning Statement, Ecology Report, Transport Statement, Tree Survey Report and a Drainage Statement.

RELEVANT PLANNING HISTORY

No relevant planning history for the site.

PARISH COUNCIL

The response from the Parish Council was received on 13 November in which the Parish states that: "The committee notes that this application has been called in to the Chiltern District Council Planning Committee. Whilst in principle the committee support a development on this site they made the following observations:-

- a) The committee object to this site being considered to meet the criteria for a Brownfield site.
- b) It is development within the Green Belt and an Area of Outstanding Natural Beauty and as such if reasons are found to justify such development it should be sympathetic to its surroundings.
- c) The plans suggest the loss of at least 27 substantial trees with no plans to replace them. [Officer Note: landscaping is reserved for subsequent approval].
- d) The density of the proposed development and the potential size and scale of the properties appears to be too high and out of keeping with neighbouring properties and the street scene [Officer Note: scale and height are not for consideration here].
- e) The proposed development will create a not insignificant additional traffic flow on rural roads that needs to be considered carefully by the county transport officers

REPRESENTATIONS

A total of 29 representation letters were received from local residents. They were all letters stating objections to the proposed development with some residents accepting that some development could be allowed on the site. The comments are summarised below:

- Development is not sustainable;
- Should be restricted on ground of impact on openness of Green Belt;
- Concern with regard to overshadowing/overbearing;
- Density too high; overdevelopment; greedy developers;
- Will adversely affect volume of traffic and noise; country lanes already overburdened esp. increased traffic from HS2;
- Additional traffic will increase risk of accidents for village traffic and pedestrians, no footpath on Ballinger Road, verges are private;
- Additional traffic will cause inconvenience during construction; times should be restricted;
- Footprint and roof height must be in keeping with houses in vicinity; Lappetts Lane is primarily chalet bungalows;
- Site is not consistent with definition of previously developed land in Annex 2 of NPPF;

- Concern with regard to privacy;
- Houses would be intrusive at Lappetts Lane end;
- Contrary to Development Plan;
- Inadequate access;
- Inadequate drainage;
- Interference with adjacent property;
- Noise/Disturbance;
- Insufficient infrastructure;
- Poor design;
- Traffic/Parking;
- Inappropriate for AONB;
- Questions how much additional development can be supported without additional infrastructure and amenities;
- This application will provide additional access to Lappetts Lane - even if only pedestrian.
- We already suffer from residents of Wood Lane & Kings Lane using Lappetts as a car park and leaving bins/recycling in the street for many days, making the road unsightly and dangerous;
- The additional dwellings could result in issues with the drainage in the area. Currently the drainage along Ballinger Road cannot cope with large rainfall; improvement of drainage should be part of proposal;
- Intrusion into countryside;
- Loss of view;
- Loss/damage to trees;
- Development would lead to destruction of bat roosts at Stepping Stones and the removal of 27 trees and 9 hedges, negatively impacting the greenness of the space;
- Not previously developed land;
- Would preserve Holly Cottage, a historic building;
- Mushroom Farm which was given permission was an eye sore, this site is not and is residential;
- Vision splays are inadequate;
- Three car parking spaces would be required not 2;
- Renovation of Holly Cottage should be included in conditions;
- Proposed access interferes with access of neighbouring property;
- Too close to No. 5 Lappetts Lane;
- Concerned about highly positioned lights; must be clearer, light pollution;
- No affordable housing provided;
- Lack of public transport; limited bus service;
- View will change from trees and low bungalows to rear of 5 houses;
- Some infill unavoidable, should be limited to less houses;

CONSULTATIONS

Tree Officer

No objection. The application site consists of four properties: Holly Cottage, Stepping Stones and Orchid Cottage in Ballinger Road, and No 4 Lappetts Lane. Three of the dwellings, Holly Cottage, Orchid Cottage and 4 Lappetts Lane are proposed for retention with reduced curtilages while Stepping Stones would be demolished. The application is in outline with only access to be considered at this stage. The application includes a Tree Survey Report with an Arboricultural Impact Plan and a Preliminary Tree Protection Plan.

The proposed access would be moved further to the north-east than the existing access to Stepping Stones. The Arboricultural Impact Plan includes a statement about the site access and the precautions proposed to minimise root damage. These should avoid significant damage to the adjacent sycamore tree (T25), which is the only tree classified as Category A in the Tree Survey.

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

The plans show the other trees on the road frontage to be retained and there should be little need to disturb the trees within the retained gardens of Holly Cottage and Orchid Cottage. The indicative site layout shows the loss of most of the trees within the site while retaining the trees close to the boundaries. The trees shown for removal within the site are all fairly small trees including many cypresses, hollies and fruit trees. The largest trees are cypresses and a poorly-shaped cedar about 10-12m in height. Three larger trees, a birch (T14), a monkey puzzle (T34) and a walnut (T55) that are all classified as Category B and are set slightly in from the boundaries are shown to be retained.

Overall the proposed access should not involve the loss of any important trees and the indicative layout also retains most of the better trees on the site, particularly those around the edges. Consequently I would not object to the application provided there is adequate protection for the retained trees.

Highways Authority

Ballinger Road is a 'C' class road, which in this location is subject to a speed restriction of 30mph. Proposals include the demolition of the existing dwelling and the erection of seven dwellings on site, which would result in the net gain of 6 additional dwellings.

With regard to trip generation, I would expect a dwelling in this location to generate in the region of 4-6 vehicular movements (two-way) per day. As this is the case, the development as a whole would have the potential to generate in the region of 28 - 42 vehicular movements (two-way) per day. Whilst I am confident that these additional vehicular movements can be safely accommodated onto the Local Highway Network in the vicinity of the site, as the site would be subject to an intensification in use, the access arrangements serving the site will need to be assessed in order to determine their suitability to accommodate the anticipated additional vehicular movements.

As Ballinger Road in the vicinity of the site is subject to a speed restriction of 30mph, visibility splays of 2.4m x 43m are applicable, commensurate with current Manual for Streets guidance. I am confident that adequate visibility splays can be achieved from the proposed access point, within the extent of the publicly maintained highway or within the ownership of the applicant. The visibility splay to the left upon exit would be achievable when taking the splay to 1m from the nearside carriageway edge, in line with Manual for Streets guidance. The existing access point is to be repositioned by 2m to the east of the site, and would also be widened to 4.8m, which I can confirm would allow for the simultaneous two-way flow of vehicular movements alongside pedestrians/cyclists.

Whilst turning areas within the site would be subject to a reserved matters application, I am unconvinced as to whether the turning shown within the site would be suitable to allow a refuse vehicle of 10.32m or a fire appliance to turn within the site. A swept-path analysis demonstrating these vehicles manoeuvring within the turning area will need to be provided at reserved matters stage, should the application gain outline consent.

The site is remote from footpaths and public transport links, and is not considered sustainable in transport terms in the context of the requirements of the NPPF and would be reliant on the use of the private motor vehicle, against the aims of local and national policy. Ballinger Road does not benefit from any footways in the vicinity of the site and the nearest bus stops offer a limited service, outside of the AM/PM peak hours.

Potential users of the bus stops in the vicinity of the site would be required to walk on the narrow verges along Ballinger Road or in the carriageway in order to utilise the limited services available.

Object to the application on the grounds that the proposed development fails to make adequate provision to allow accessibility to the site by non-car modes of travel. The development will therefore be heavily reliant on the use of the private car.

Ecology Officer

I have reviewed the Ecological Assessment report produced by GS Ecology (October 2018) and am satisfied that the presence of protected habitats and species has been sufficiently assessed. The surveys undertaken in 2018 have confirmed the presence of three Common Pipistrelle Bat roosts within the house. If minded to approve, the development must be undertaken in accordance with the recommendations of the ecological assessment report, including obtaining a European Protected Species Mitigation Licence from Natural England and provision of artificial roost features.

In addition to local policy, the NPPF (2018) sets out that "Plans should promote the conservation and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity".

Building Control

The proposals generally appear acceptable for fire brigade access under Part B5 of the Building Regulations provided: 1. Any access gates have a clear opening of 3.1m 2. Minimum width of the access road is 3.7m between kerbs 3. The total length of the hammer head for turning including the road is 16.8m.

There is insufficient information for me to comment in detail but each dwelling will need provision for a disabled WC on the main entrance level, ramped/level access to the main entrance door with a level threshold and the access route from the vehicle parking area should be firm (not loose gravel) and in accordance with Approved Document M.

Waste Management Officer

The Waste Officer comments as follows. I had incorrectly made the assumption that the residents would be moving the bins to the property boundary on Ballinger Road themselves which would result in us having no objections. After reviewing the plans we at this stage cannot accept this application as the space and turning circles are too narrow and pose a risk. The applicant needs to demonstrate that a refuse/recycling vehicle can manoeuvre safely into the site and complete a turn. Due to the road being a Category C road, the applicant has the option of demonstrating this in reverse gear should they wish.

Strategic Environment Officer

The proposed development involves the demolition of a dwelling, the retention of three dwellings and the erection of seven dwellings with car parking, landscaping, amenity space and associated vehicular access.

The Council's historical maps indicate that the site was originally a field (1874-1891), a property labelled Stepping Stones is shown on the historical map for the 1960-1976 epoch.

The site does not appear to have had a previous potentially contaminative use. The previous use of the site is unlikely to have given rise to anything more than anthropogenic contamination. However, the proposed development will introduce a larger number of receptors. Therefore an assessment of the risks posed by the site is required.

Based on this, the standard Land Quality Condition is required.

Affinity Water

No objection.

POLICIES

National Planning Policy Framework, July 2018.

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

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

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

Affordable Housing Supplementary Planning Document (SPD) Adopted 21 February 2012.

Chilterns Buildings Design Guide, February 2010.

EVALUATION

1. The application is submitted in outline, with only access applied for. The remaining detailed matters, namely scale, layout, appearance and landscaping are reserved for subsequent approval. This means that only the principle of development and access arrangement can be considered under this application.

Principle of development

2. The site is located in the Green Belt Settlement of South Heath where small scale residential development is considered acceptable in principle, subject to complying with the relevant policies of the Development Plan. The National Planning Policy Framework advises that most new building is inappropriate in the Green Belt but identifies that limited infilling within Green Belt villages is an exception to this.

3. The identification of South Heath within Policy GB5 does not mean that every parcel of open land within South Heath is suitable for development. Proposals to develop land on the edges of these settlements, or to develop land whose present open appearance contributes to the physical character of the settlement, will not be acceptable.

4. The site is also within the Chilterns Area of Outstanding Natural Beauty and therefore the proposal should conserve, and where considered appropriate and practicable, enhance the high scenic quality of the landscape.

Principle of the Residential Development/Green Belt considerations

5. As mentioned already the NPPF in para 145 supports the limited infilling in villages. Similar to the approach taken which has now been agreed for Planning permission CH/2017/1422/OA at the Mushroom Farm in South Heath, it is considered that the correct approach is to consider the site under its GB5 designation. In this circumstance the land would be within the Green Belt albeit within a Green Belt Settlement that would be considered appropriate for small scale residential development and limited infilling by the NPPF. The scale of the proposal would then need to be considered against the definition of small scale in policy GB5 which is not "more than about" 0.5 hectares. It is considered that the 0.5ha is a general guide and the policy is phrased "about" to reflect the reality that sites do not come in specific sizes. Only sites of more than 0.5ha and where the number of dwellings are not known fall into the category of 'major development' as defined in the NPPF

and the Town and Country Planning (Development Management Procedure) (England) Order 2015. Major development is also defined by developments of 10 dwellings or more. Therefore it is considered that the application site is not major development. Planning permission CH/2017/1422/OA concluded that a development of 10 dwellings would be at the top end of small scale development.

6. The proposal would meet the criterion of being an existing authorised or established residential use which is totally or substantially enclosed by existing residential development in order to represent infill development within a GB5 settlement as defined by the policy.

7. Again similar to planning application CH/2017/1422/OA, important for the consideration of the proposal is the NPPF as it supports limited infill in villages (not just of sites surrounded by residential land) and in paragraph 140 suggests that villages capable of protection by normal development management policies should be excluded from the Green Belt. Policy CS23 of the Core Strategy identified that Policies GB4 and GB5 did not accord with National Guidance. Significantly, in relation to policies GB4 and GB5, are the implications of Court of Appeal decision into Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin) which places a requirement on the decision maker to consider the physical boundaries to a site irrespective of boundaries shown on a local plan. The judgement found that the policy wording in the NPPF relating to limited infilling in villages required the decision-maker to consider whether, as a matter of the physical characteristics of land, a site appears to be in a village.

8. In conducting an assessment, in accordance with the judgement, the application site is within the GB5 boundary for South Heath. The site is bordered on all four sides by residential development and two roads, all of which are within the settlement. It is therefore considered that the Policy GB5 designation includes the whole site, the site is within the village and that in being within the village may be considered appropriate for limited infilling.

9. Having concluded that the site is within the settlement of South Heath, the question is then whether the proposal constitutes "limited" infilling. Policy GB4 suggests a limit of 1 or 2 dwellings however, the courts and planning appeals have concluded that the NPPF contains no advice on the interpretation of "limited infilling". Clearly the NPPF is more recent and holds greater weight. Appeal decisions vary on the number based on individual circumstances, but support may be found for limited infilling in the context of the exceptions criteria for sites of between 1 and 12 dwellings. It is therefore for the decision maker to make a considered judgement based on the characteristics of the site. It is the Officer view that the proposal would offer the potential for the infilling of the site with 7 dwellings with a net increase of 6 as the site would be wholly enclosed by residential development and filling in the parcel of land within it. In this respect support for the principle of redevelopment of the site would not be harmful to one of the key aims of the Green Belt which is to preserve its openness.

10. The conclusion is therefore that the site is within the GB5 settlement and although washed over by Green Belt, the proposed residential development represents one of the acceptable exceptions identified within paragraph 145 of the NPPF to development within the Green Belt.

11. It is also to be noted that the principle of limited infilling in South Heath has been established by the recent planning permission CH/2017/1422/OA for 10 dwellings at Meadow Lane at the former mushroom farm. It was also concluded in the officer report for that permission that a development of 10 dwellings would be at the top end of small scale development.

Affordable Housing

12. Policy CS8 of the Core Strategy sets out that, on sites of 5 to 7 dwellings at least one affordable housing unit should be provided which is supported by the national planning practice guidance as the site is within the

Chilterns Area of Outstanding Natural Beauty. The applicant would be willing to enter a S.106 agreement and proposes one affordable dwelling as part of the proposed development and would also want to allow for a financial contribution towards affordable housing in lieu in the event that a registered housing provider cannot be secured for the provision of one unit. It would clearly be expected that as part of the reserved matters application that the applicant engages with registered housing provider, to maximise the opportunity of designing a scheme where an affordable dwelling would be acceptable to them. A financial contribution in lieu of such provision would only be acceptable in exceptional circumstances.

Residential amenity

13. There is scope within the available land to design a scheme that would not be harmful to the amenity of the existing neighbouring dwellings and that would provide an appropriate level of privacy and amenity to occupiers of the proposed development. It will be important to consider the distance to boundaries. A detailed assessment of this would need to be undertaken once the layout, scale and appearance of the dwellings is proposed, under a subsequent application.

Design/character & appearance

14. The purpose of this assessment is not to consider whether the indicative development is acceptable but only to consider whether the site is suitable for residential development of the level proposed, having regard to the surrounding land uses. The issue of the type and size of houses is one that would be addressed at the reserved matters stage, but it is clear that plot widths comparable to other houses close to the site can be achieved. The surrounding dwellings in South Heath contain predominantly 1-2 storeys and are predominantly detached. The houses existing within the site are also detached. The character of any proposed scheme would need to reflect the character of the area. The site would also be capable of making its own contribution to the local character. Given the location within the Chilterns AONB, the design of the dwellings would need to take account the Chilterns Buildings Design Guide, February 2010.

Parking/Access/Highway implications

15. The proposal would need to make provision for parking within the curtilage of the proposed dwellings in accordance with the Council's standards. This would need to be addressed at Reserved matters stage. The applicant has indicated that two parking spaces will be provided per dwelling as well as electric vehicle charging points and cycle storage.

16. The proposal for 6 additional dwellings would generate 28-42 vehicle movements which could be accommodated onto the local highway network. Ballinger Road is subject to a 30mph speed restriction and visibility splays of 2.4m x 43m are applicable commensurate with guidance set out in the Manual for Street. The Highways Officer confirms that visibility splays can be achieved from the proposed access point, within the extent of the publicly maintained highway or within the ownership of the applicant. The visibility splay to the left upon exit would be achievable when taking the splay to 1m from the nearside carriageway edge, in line with Manual for Streets guidance. The existing access point is to be repositioned by 2m to the east of the site, and would also be widened to 4.8m, which I can confirm would allow for the simultaneous two-way flow of vehicular movements alongside pedestrians/cyclists.

17. The turning area shown on the drawing is indicative and would be subject to a reserved matters application. The Highways Officer has concerns whether the turning shown within the site would be suitable to allow a refuse vehicle of 10.32m or a fire appliance to turn within the site. A swept-path analysis demonstrating these vehicles manoeuvring within the turning area will need to be provided at reserved matters stage, should the application gain outline consent. In addition the Waste Officer also raises an objection to the application on the basis of inadequate turning space although it would be possible for the waste collection vehicle to reverse onto Ballinger Road. The Building Control Officer has no objection with regard to fire engine access / operation. As highlighted above, the detailed layout of the scheme is subject to

a subsequent application, and the refuse collection method can be agreed at the reserved matters stage. It should not therefore form part of a refusal at the outline stage.

18. Although South Heath is not highly accessible to forms of transport other than the car, it does have a weekday morning bus service to Chesham with a late afternoon return to coincide with school times and is on national and regional cycle routes. It is clearly not a highly sustainable location in transport terms but the inclusion of vehicle charging points would mitigate against this to a degree, and also committed cyclists would be able to cycle to Great Missenden to use the rail service. Whilst the Highway Authority raise concerns about the sustainability of the site, this is purely in transport terms. It is the District Council, as the decision making authority to weigh this into the overall planning balance and assess whether the development comprises sustainable development, which is more than just transport considerations. The NPPF highlights that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Provided that the proposed development can be designed to reflect the local character, maintain and improve biodiversity, minimise waste and pollution, etc, it would help to fulfil the environmental role above. The provision of additional housing and affordable housing would contribute to the social role. The development would also contribute to the economic role of sustainable development. Therefore, having regard to the Highway Authority's comments, whilst the private car would be relied upon to an extent, the development has the potential to comprise sustainable development as a whole, having regard to the definition in the NPPF.

Trees & Landscaping

19. The proposed access involves the removal of a number of trees and a hedgerow. The Tree Officer having taken into account the Arboricultural Impact Plan and Tree Survey confirms that this should only affect poor trees. He also states that loss of the hedge would be unfortunate although it could be replaced. A full landscape scheme will be required to show all proposed tree, hedge and shrub planting within the site and on site boundaries. The trees and proposed landscaping would be dealt with at Reserved matters stage and it is noted that the Tree Officer does not have any objections.

Ecology and Biodiversity

20. The Ecology Surveys undertaken in 2018 have confirmed the presence of three Common Pipistrelle Bat roosts within 'Stepping Stones'. If minded to approve, the development must be undertaken in accordance with the recommendations of the ecological assessment report, including obtaining a European Protected Species Mitigation Licence from Natural England and provision of artificial roost features. Policy CS24 requires consideration of the enhancement and encouragement of ecology. As such detailed proposals for ecological enhancement submitted with the reserved matters would be required to identify the means by which an

overall net gain in biodiversity will be achieved. The scheme will include details of native landscape planting and provision of artificial roost features, including bird and bat boxes.

Other sustainability principles

21. Policies CS4 and CS20 require that new development should reduce the CO2 emissions having regard to the sustainability principles set out in the core strategy. Whilst the location is not in the most sustainable location it is capable of achieving development that addresses many of the criteria identified in Table 1 of Policy CS4 in particular elements such as energy efficiency, renewable technology, water recycling, waste management maximum re-use of construction and demolition materials, the use of locally produced building materials, sustainable drainage and retention of key features of the natural environment. In particular, given the rural location, the inclusion of vehicle charging points to serve the proposed properties would assist in the reduction of particulate and CO2 emissions locally through the encouragement of electric vehicle usage.

Conclusions

22. The scheme is considered to accord with Development Plan policies and guidance contained in the NPPF and the interpretation of the NPPF in appeal decisions and Courts which support limited infilling within villages located within the Green Belt. As such the principle of development is acceptable, and the detailed aspects applied for (namely, access) are also acceptable. The remaining detailed matters (layout, scale, appearance and landscaping) would be subject of a subsequent application for reserved matters.

Working with the applicant

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

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

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

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

Human Rights

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

RECOMMENDATION: Defer-minded to approve subject to the prior completion of Legal Agreement. Decision delegated to Head of Planning & Economic Development Subject to the following conditions:-

1 The approval of the Local Planning Authority shall be obtained to the layout, scale, appearance and landscaping of the scheme before the development is commenced.

Reason: Because your application is submitted in outline only and to safeguard the amenities of the locality.

2 The development to which this permission relates must be begun before the expiration of two years from the approval of the last of the remaining reserved matters to be approved.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town & Country Planning Act, 1990, as amended.

3 Application for approval of all reserved matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town & Country Planning Act 1990, as amended.

4 The development shall be undertaken in accordance with the recommendations provided within the Ecological Assessment report produced by GS Ecology (October 2018). No works of site clearance, demolition or construction shall take place until a European Protected Species Mitigation Licence has been granted by Natural England. A copy of the licence is to be provided to the Local Planning Authority.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and to protect species of conservation concern.

5 Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to and approved by the Local Planning Authority to ensure an overall net gain in biodiversity will be achieved. The scheme will include details of native landscape planting and provision of artificial roost features, including bird and bat boxes.

Reason: In the interests of improving biodiversity in accordance with NPPF and policy CS24 of the Core Strategy for Chiltern District (Adopted November 2011) and to ensure the survival of protected and notable species protected by legislation that may otherwise be affected by the development.

6 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 No other part of the development shall begin until the new means of access has been altered in accordance with the approved drawing.

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

10 The access shall not be brought into use to serve the proposed development, or used during the construction period, until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access looking to the right out of the access and at a point of 43 metres measured from 1m metres from the nearside edge of the carriageway when looking to the left out of the access. The area contained within the splays shall be kept free of any obstruction between 0.6 metres and 2.0 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access, in accordance with Policies TR2 and TR3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011 and Policies CS25 and CS26 of the Core Strategy for Chiltern District, adopted November 2011.

INFORMATIVES

1 INFORMATIVE: The applicant is advised that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Amersham Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

2 INFORMATIVE: In relation to potentially contaminated land, the applicant is advised that Information for Developers and guidance documents can be found online at www.chiltern.gov.uk/article/2054/Information-for-Developers

3 INFORMATIVE: The applicant is advised that the access will need to be constructed in accordance with Bucks County Council's Guide Note: "Commercial Vehicle Access within Highway Limits 2013". In addition, the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information or apply online via Buckinghamshire County Council's website at www.buckscc.gov.uk/services/transport-and-roads/highways-development-management/apply-online/section-184-licence/

Highways Development Management
6th Floor, County Hall
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
Telephone 0845 230 2882

4 INFORMATIVE: The applicant is advised that it is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.

5 INFORMATIVE: The applicant is advised that no vehicles associated with the building operations on the development site should be parked on the public highway so as to cause an obstruction. Any such wilful obstruction would be an offence under S137 of the Highways Act 1980.