



## East Buckinghamshire Area Planning Committee agenda

Date: Tuesday 30 April 2024

Time: 6.30 pm

Venue: High Wycombe Council Chamber, Queen Victoria Road, High Wycombe, HP11 1BB

### Membership:

I Darby, M Fayyaz, M Flys (Vice-Chairman), G Harris, C Jones, J MacBean, J Rush, M Stannard, H Wallace, L Walsh, J Waters (Chairman) and S Wilson

### Webcasting notice

Please note: this meeting may be filmed for live or subsequent broadcast via the council's website. At the start of the meeting the chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the council is a data controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the council's published policy.

Therefore by entering the meeting room, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ask the committee clerk, who will advise where to sit.

If you have any queries regarding this, please contact the Legal & Democratic Service Director at [monitoringofficer@buckinghamshire.gov.uk](mailto:monitoringofficer@buckinghamshire.gov.uk).

### Public Speaking

If you have any queries concerning public speaking at Planning Committee meetings, including registering your intention to speak, please speak to a member of the Planning team – [planning.csb@buckinghamshire.gov.uk](mailto:planning.csb@buckinghamshire.gov.uk) 01494 732950. Please refer to the Guide to Public Speaking at Planning Committee [here](#).

<b>Agenda Item</b>	<b>Page No</b>
<b>1 Apologies for absence</b>	
<b>2 Declarations of interest</b>	
<b>3 Minutes of the previous meeting</b> To agree the minutes of the meeting held on 9 January 2024 as an accurate record.	<b>3 - 4</b>
 <b>Planning Applications</b>	
<b>4 PL/21/1309/FA - 44 London Road West, Amersham, HP7 9DD</b>	<b>5 - 102</b>
<b>5 PL/23/2669/FA - West Hyde Stables, West Hyde Lane, Chalfont St Peter, SL9 0QP</b>	<b>103 - 144</b>
<b>6 Date of next meeting</b> Tuesday 28 May 2024 at 6.30pm. (To be confirmed)	
<b>7 Availability of Members Attending Site Visits (if required)</b> To confirm members' availability to undertake site visits on 27 May 2024, if required.	

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Liz Hornby on 01494 421261, email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk).



## East Buckinghamshire Area Planning Committee minutes

Minutes of the meeting of the East Buckinghamshire Area Planning Committee held on Tuesday 9 January 2024 in Amersham Council Chamber, King George V House, King George V Road, Amersham HP6 5AW, commencing at 6.34 pm and concluding at 8.47 pm.

### Members present

I Darby, M Fayyaz, M Flys (Vice-Chairman), G Harris, C Jones, J MacBean, J Rush, M Stannard, H Wallace, L Walsh, J Waters (Chairman) and S Wilson

### Others in attendance

M Shires, K Stubbs, B Binstead and M Beech

### Apologies

None.

### Agenda Item

#### 1 **Declarations of interest**

**Councillor G Harris:** Application number PL/22/4074/FA – declared a non-pecuniary interest due to living on the opposite side of the common. He declared that he was not pre-determined, that he had an open mind and would listen to the debate before voting on the application.

#### 2 **Minutes of the previous meeting**

An amendment was made to the minutes of the meeting held on 17 October 2023. It was noted that Councillor L Walsh gave her apologies for the meeting.

The minutes of the meeting held on 14 November 2023 were agreed as an accurate record.

#### 3 **PL/22/4074/FA - St Leonards Church Hall, Glebe Way, Chesham Bois, HP6 5ND**

Redevelopment of the site to create a new multifunctional Parish Centre with cafe, day nursery building, replacement rectory with detached garage, 2 outbuildings to provide prayer room and substation/bin and bicycle store, associated parking and landscaping.

Following a full debate, members voted in favour of the motion to refuse planning permission.

**It was proposed by Councillor S Wilson and seconded by Councillor G Harris.**

**Resolved:** That the application be refused on the basis that the site falls within the Chiltern Beechwoods Special Area of Conservation (SAC) zone of influence. There is likely significant effect on the SAC given the scale and intended use of the site.

Only members who were present at the planning committee meeting on October 17, 2023, where the application was first presented, were eligible to vote on this deferred item. Therefore, Councillor M Flys, Councillor J MacBean, Councillor J Rush, and Councillor L Walsh took part in the debate but did not vote on the application.

**4 Date of next meeting**

Tuesday 6 February 2024.

***Please note that this meeting will be held at Council Offices, Queen Victoria Road, High Wycombe, HP11 1BB.***

**5 Availability of Members Attending Site Visits (if required)**

**Resolved:** that in the event it was necessary to arrange site visits on Monday 5 February 2024 in respect of the agenda for the meeting to be held on Tuesday 6 February 2024, that all Members be invited to attend.



## Report to East Area Planning Committee

---

<b>Application Number:</b>	PL/21/1309/FA
<b>Proposal:</b>	Demolition of existing buildings, and erection of a foodstore (Use class E) with servicing, access, car parking and landscaping.
<b>Site location:</b>	44 London Road West Amersham Buckinghamshire HP7 9DD,
<b>Applicant:</b>	Aldi Stores Limited
<b>Case Officer:</b>	Mr Graham Mansfield
<b>Ward affected:</b>	Penn Wood & Old Amersham
<b>Parish-Town Council:</b>	Amersham Town Council
<b>Valid date:</b>	12 May 2021
<b>Determination date:</b>	22 October 2021 (Extension of Time: 5 April 2024)
<b>Recommendation:</b>	Defer and delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and the satisfactory prior completion of a Legal Agreement relating to financial contributions towards upgrading of Bus Stops and Travel plan monitoring fees. If the Legal Agreement cannot be completed the application shall be refused for such reasons as considered appropriate.

### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Full planning permission is sought for the redevelopment of the site, including the demolition of existing buildings, and erection of a foodstore (Use class E) with servicing, access, car parking and landscaping.
- 1.2 The site is unallocated for any land use and would allow the reuse of a previously developed site which would continue to provide an employment use. However, the scheme proposes a main town centre in an out-of-town location. The application is supported by a sequential test and retail impact assessment, which has been critiqued independently to the satisfaction of the Council. As such, the proposed use is considered acceptable within a sustainable location.
- 1.3 The proposed development is considered to be a compatible land use with the

surrounding developments and would not cause harm to the character of the area, the setting of designated heritage assets, AONB or the amenities of neighbouring residents. In addition, the proposed development would not result in any unacceptable impacts on the local highway network.

- 1.4 A Flood Sequential Test was submitted with the application and it is considered that the site would be appropriate for the proposed development which would be safe for its lifetime without increasing flood risk elsewhere. The application has also demonstrated that biodiversity net gain can be achieved within the site.
- 1.5 Overall, the proposed development would align with the development plan and would achieve the economic, social and environmental objectives of achieving sustainable development as laid out in section 2 of the NPPF (2023).
- 1.6 The application has been called in for determination by the planning committee by Councillor Waters.
- 1.7 The application is therefore recommended for approval subject to conditions and the completion of a legal agreement to secure passenger information improvements to bus stops on London Road West and to secure financial contributions towards the monitoring of a Travel Plan for the proposed retail development.

## **2.0 Description of the Site**

- 2.1 The site (approx. 0.66ha) is located on the south side of London Road West, close to the junction with Station Road within the built-up area of Amersham.
- 2.2 The application site is currently occupied by a large two storey flat roofed building surrounded by a large expanse of hardstanding. The site was last used as a car showroom. The application site is essentially located in the bottom of the Misbourne Valley with the land rising to south, north and to a lesser extent to the east, although the site itself is relatively flat.
- 2.3 To the west of the site is a residential development with the properties 1 to 13 Washington Row abutting the common boundary of the site. To the west of the site, and to the south of Washington Row is a covered reservoir.
- 2.4 Beyond the southern boundary of the site is the A413 Amersham By-Pass and to the eastern boundary (beyond the River Misbourne) is agricultural land. The land immediately adjacent to the south and east boundaries of the site are within the Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB)
- 2.5 Opposite the site on the north side of London Road West are two designated heritage assets. These being the Chequers Public House (Grade II Listed) and Ambers of Amersham (Grade II Listed). The site is not located in a Conservation Area. The boundary of the Amersham Old Town Conservation Area is approx. 420m to the west (beyond the Tesco Superstore).
- 2.6 The River Misbourne which is designated as an Environment Agency main river and Chalk Stream runs through the north east corner of the site. The application site is located in Flood Zones 2 and 3a and within low, medium and high levels of surface water flooding.
- 2.7 Two public right of ways run close by the site, these being public footpath AMS/18/2 to the south west of the site and AMS/17/1 to the north east of the site.
- 2.8 The character of the immediate area is mixed with semi-detached residential properties located on Milshot Drive/Chequers Hill to the north east, a number of commercial

properties to the north and north west including the Chequers Pub, Ambers of Amersham and the Tesco Superstore located on the corner of Station Road and London Road West. On the south side of London Road West (and to the west of the site) are a mixture of residential properties including Washington Row and Stokebury House and commercial properties including the Three Valleys Pumping Station and 24 London Road West.

2.9 The application is accompanied by:

- Design and Access Statement
- Heritage Assessment
- Transport Statement and Travel Plan
- Landscape and Visual Assessment
- Flood Risk Assessment (including Drainage Scheme)
- Planning Retail Assessment (Including Retail Sequential Test)
- Biodiversity Net Gain Assessment
- Flood Sequential Test
- Preliminary Ecological Assessment
- Lighting Plan

2.10 During the course of the application amended plans were received in relation to the external details of the proposed building. In addition, further supporting information was received in relation to retail impact, flood risk, biodiversity net gain and highways. The application has taken some time to resolve, due to these complex issues.

#### **Environmental Impact Assessment (EIA)**

2.11 The aim of the EIA regulations is to protect the environment by ensuring that a Local Planning Authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process.

2.12 The application proposal would be considered Schedule 2 Development under 10b) Urban Extension projects of the Town and Country Planning (EIA) Regulations 2017 ('EIA Regulations'). However, due to the size of the development (under 1 ha), it would not meet the thresholds for the requirement of an EIA Development. However, the proposed development would be adjacent to a 'sensitive area', which for the purpose of the EIA regulations includes Area's of Outstanding Natural Beauty (AONB)

2.13 Notwithstanding the above, the NPPG highlights that an Environment Impact Assessment is more likely to be required if the project affects the features for which the sensitive area was designated. However, it does not follow that every schedule 2 development in (or affecting) these areas will automatically require an Environmental Impact Assessment.

2.14 As part of the application, the LPA carried out a screening opinion pursuant to the EIA regulations for the proposed development. The Council, as set out in Appendix C, has confirmed that the proposal is not considered to give rise to significant effects on the environment in EIA terms. It is therefore the LPA's judgment that proposed development did not comprise EIA development and an Environmental Statement was not required.

### **3.0 Development Proposal**

3.1 Full planning permission is sought for the demolition of the existing building on site and the erection of a food store with servicing, access, car parking and landscaping.

3.2 The proposed foodstore building would be located to the west of the site, adjacent to the common boundary with the covered reservoir and would be set back approx. 30m from

the boundary with public highway.

- 3.3 In relation to the size and scale of the proposed building, this would be flat roofed and part single storey, part two storey. The two-storey element would be located at the back of the building, approximately 42.5m from the front elevation.
- 3.4 In terms of footprint the proposed building would be 67m in depth and 24.8m in width. The single storey element would be a maximum height of 5.3m and the first-floor element would be a maximum height of 8.8m.
- 3.5 The proposed store would have a gross external area of 1,998 sqm and retail sales area of 1,195sqm.
- 3.6 In terms of layout the front of the store would feature a lobby entrance area and servicing at the rear. Access to the site would remain as existing, with the current western access to the site being removed. 101 Car parking spaces would be provided across the site, together with electric charging provision (4 active and 19 passive), 6 parent and child spaces, 5 blue badge spaces and cycle parking for 8 bicycles.

#### **4.0 Relevant Planning History**

- 4.1 Relevant planning history for the site:
- 4.2 CH/1997/1223/FA; Single Storey Side/Front Extension to Showroom – Conditional Permission
- 4.3 CH/2002/1479/FA; Single Storey Building to Provide Valetting and Washroom Facilities – Conditional Permission
- 4.4 CH/2004/1082/FA; Replacement Single Storey Extension – Conditional Permission
- 4.5 CH/2008/1796/FA: Single Storey Extension to South East of Existing Showroom – Conditional Permission

#### **5.0 Summary of Representations**

- 5.1 The application was subject to the relevant consultation, notification and publicity. At the time of drafting the report over 1,500 comments of support have been received. 16 letters of objections have been received, including objections from the Chiltern Conservation Board, Amersham and District Residents Association, Tesco and Waitrose.
- 5.2 Comments from consultees and summarised representations can be found within Appendix B of this report.
- 5.3 Amersham Town Council provided comments on 24th May 2021 as follows:  
Members raised no objection to the application in principle, subject to the following -
  - Highways, traffic and parking constraints are adhered to.
  - Sufficient access for buses and addition of a zebra crossing across the A355 for public safety.
  - Making the site as green as possible by including more electric car charging points.
  - 24-hour security.
  - Concerns over light pollution were also raised, particularly for residents in Washington Row.

#### **6.0 Policy Considerations and Evaluation**

- National Planning Policy Framework (NPPF), December 2023.
- National Design Guide, 2021



- Core Strategy for Chiltern District - Adopted November 2011:
- Chiltern Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011.
- Buckinghamshire Countywide Parking Guidance, September 2015.
- Biodiversity Net Gain Supplementary Planning Document, July 2022.
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule

### **Principle and Location of Development – Retail and Employment**

Core Strategy Policies:

CS1 (The spatial strategy),

CS3 (Amount and distribution of non-residential development 2006-2026)

CS16 (Employment Land

Local Plan Saved Policies:

S1 (Locations for shopping development)

S14 (Other shopping developments outside district and local centres in built-up areas excluded from the Green Belt)

E2 (Areas for business, general industrial and storage or distribution development in the built-up areas excluded from the Green Belt as defined on the Proposals Map)

E3 (Areas for business and storage or distribution development in the built-up areas excluded from the Green Belt as defined on the Proposals Map)

- 6.1 The application site comprises of a former car garage, which has been vacant for a number of years. The application site is not allocated for any specific land use within the development plan and is surrounded by a mix of commercial and residential uses.
- 6.2 Core Policy C3 sets out that new commercial development, including additional retail floorspace, and additional employment floorspace (primarily on existing employment sites), will be focused in the four main centres for growth (which includes Amersham/Amersham-on-the-Hill).
- 6.3 Policy S1 of the Chiltern District Local Plan highlights that shopping development will be concentrated in the District Shopping Centre of Amersham-on-the-Hill with the exception of development in accordance with S14 of the Local Plan.
- 6.4 Policy S14 of the Chiltern District Local Plan sets out that developments in the built-up area for larger retail proposals will not be acceptable unless it can be demonstrated that the development proposal cannot be accommodated in the designated shopping centres. In such situations a sequential test would be required. In addition, any proposal for retail development outside the identified shopping centre should not result in any undue impacts on the local highway network and align with all other relevant local plan policies.
- 6.5 Policy S14 of the local plan is broadly consistent with the NPPF in terms the retail sequential test requirements. Paragraph 91 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Paragraph 92 of the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.
- 6.6 Paragraph 94 of the NPPF sets out that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (for the purposes of the East Area the

validation requirement a threshold of 1,000sqm applies).

- 6.7 The application is supported by a Planning and Retail Statement which includes a sequential assessment of potential sites. In consideration of the specialist nature of retail planning considerations, the Council has sought an independent review of the applicant's supporting information. A copy of the review can be found attached to this report at appendix D.

#### Retail Sequential Assessment

- 6.8 The Planning Practice Guidance (PPG) highlights that the application of the sequential test will need to be proportionate and appropriate for the given proposal. Paragraph 92 of the NPPF requires local planning authorities to demonstrate flexibility of issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

- 6.9 As stated previously the applicant has provided a Planning and Retail statement. In terms of the sequential test parameters, the applicant has followed the guidance in the PPG in relation to Town Centre Viability and Vitality. In terms of reviewing sites paragraph 10 of the PPG highlights that in reviewing alternative sites regard should be given to suitability, viability and availability of those sites. The applicant has defined these as follows:

Availability: whether sites are available now or are likely to become available for development within a reasonable period of time.

Suitability: with due regard to the requirement to demonstrate flexibility, whether sites are suitable to accommodate the proposal.

Viability: whether there is reasonable prospect that the development will occur on the site at a particular point in time.

- 6.10 A number of town centre or edge of centre locations have been identified as part of the sequential test which is based on the former District Council's evidence base (for the withdrawn Chiltern and South Bucks Local Plan) entitled Town Centre Retail and Leisure Study Update (Lichfields 2019). The scope of the selected sites is considered to be appropriate for the context of the proposed scheme. A review of the sites as set out in the applicant's sequential test as below.

A) East Building Supplies, Chiltern Avenue, Amersham-on-the-Hill

- 6.11 This site would be of a size that could accommodate the application proposal. However, the site is currently in active use, having been granted continued permission for its use in 2019 (PL/19/0632/FA). It is noted that access to the site is restricted and is surrounded by active commercial/residential developments on Woodside Road/Chiltern Avenue. As such, the site has been discounted owing to suitability and viability grounds.

B) Sycamore Road/Woodside Road, Amersham-on-the-Hill

- 6.12 The site is a size that would be able to accommodate the proposed development. In terms of availability, the site comprises of a wide range of shops which are in active use. In terms of suitability, this town centre site is compromised by the existing road layouts which would require comprehensive redevelopment with the displacement of the existing uses on site. Therefore, this site was dismissed as part of the sequential test.

C) Postal Sorting Office, Hill Avenue, Amersham-on-the-Hill

- 6.13 In terms of size, the postal sorting office size would not be of a size capable of

accommodating the proposed development. At this present time, it remains in active use and does not appear to be available. Overall, the site has been dismissed in terms of the sequential test owing to its unsuitability and availability.

D) Star Yard Car Park, Chesham Town Centre

6.14 Star Yard Car Park comprises one of the main car parks in Chesham Town Centre and would only be likely available if the site was being considered as a comprehensive development site. Whilst the site is capable of accommodating the proposed development, it is unlikely to be suitable due to the location of surrounding uses. For example, the site provides servicing and delivery access to the rear of shops on High Street as well as access to Chesham Town Council and the Broadway Baptist Church. As such, the site has been dismissed as part of the sequential test as being unsuitable and unavailable.

E) NCP Station Car Park, Chesham

6.15 The NCP car park provides car parking for commuters using the Chesham Metropolitan Line Station and therefore not available for development. In terms of size, the site would be smaller than that needed to accommodate the proposed development with its backland location making it unsuitable for a discount food store. As such, this site has been not carried forward as part of the sequential test.

F) Red Lion Street, Chesham (Water Meadow Surgery/Chesham Job Centre)

6.16 The above site comprises of the Water Meadow Surgery and Job Centre with associated car parking, which are in active use and not available for development. In terms of size and suitability, the size of the site is smaller than that required to accommodate the proposed development. The constraints from the size and the location of the River Chess are considered to make the site unsuitable for a budget foodstore. As such, the site has been dismissed as part of the sequential test.

Sequential Test – Discussion and Conclusion

6.17 As highlighted previously the information presented by the applicant in terms of the retail sequential test has been subject of an independent review. During the course of the application further clarifications and additional information was provided by the applicant relating to the sites described above.

6.18 The Council's assessor considered that the sites A, C, D and E above would not be sequentially preferable site to accommodate the development proposal, citing that C and E were too small to accommodate the proposed development, with site D not being readily available and site A not being an attractive site for retail development owing to its backland location. During the course of the application there were queries over site B in relation to part of the site being vacant (that of the former Laura Ashley Store on Woodside Road). However, as this is now not available due to the establishment of the Francis Hospice Charity Shop, the assessor concluded that site B cannot be considered sequentially preferable.

6.19 Finally in respect of site F, queries were raised in respect to the availability of the site for the proposed development. At this moment in time the site at Red Lion Street continues to be in active use, with no immediate plans to acquire or develop the site from a Council perspective.

6.20 Noting the above, the sites that formed part of the sequential test were either not suitable or occupied by a number of existing uses. As such, they would not be available within a

similar timeframe to the proposed development. The review of the information confirms that the sequential test has been addressed and satisfied.

- 6.21 In addition, the extent and catchment of the identified sites within the sequential test are considered reasonable for the purposes of the proposed development as confirmed by the Council's independent assessor.

#### Retail Impact Assessment

- 6.22 The thrust of paragraph 94 of the NPPF is to ensure that assessment of out of town centre retail developments takes into account the impact of such developments on the vitality and viability of town centres including local consumer choice and trade in the town centre and wider retail catchment.
- 6.23 It is noted that objections have been raised in relation to the figures provided on trade draw and the vitality of Amersham (on-the-hill) Town Centre. Amended information was provided during the course of the application and reviewed by the Council's independent assessor.
- 6.24 In terms of the health of Amersham and Chesham town centres, the Council's independent assessor notes that these centres have a lower level of convenience provision than the national UK average, which suggest that they are not reliant on convenience goods to support the centres. It is also noted that Chesham and Amersham have good levels of comparison goods above the national UK average.
- 6.25 In terms of trade draw from other retail stores the applicant has identified the London Road Tesco as representing Amersham's only main food shopping centre destination, with the other stores in the town centre namely Tesco Express, Little Waitrose and Marks and Spencer serving a 'top-up' shopping role. In addition, the applicant suggests that London Road Tesco would (given its location to the proposed Aldi store and market profile) is likely to experience the most direct trade diversion. The stores in the town centre have been identified as having lower trade diversion, having being identified as operating in a slightly different market.
- 6.26 The Council's independent assessor has not raised any concerns in relation to the applicants information relating to trade draw (including that of stores in Chesham, and other stores). Overall, it is considered that the trade draw analysis would appear to be reasonable and would unlikely to result in any significant adverse impacts on any town centre.
- 6.27 Based on the review of the retail supporting information, the Council is satisfied that there are no more sequentially preferable sites to the application site. Furthermore, the proposed development is unlikely to have a significant impact on the viability and vitality of town centres. The assessments that have been carried out are considered to be proportionate given the scale of the development. As such, the proposal would align with paragraph 95 of the NPPF which states where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, should be refused.
- 6.28 Noting the above, the relevant tests are considered to be passed. The proposed development is considered to be acceptable in this location, subject to the consideration against all other development plan policies (discussed further in the report below).

#### Employment

- 6.29 The NPPF Supports the effective use of previously developed land. It sets out the need to

support economic growth, taking into account both local business needs and wider opportunities for development.

- 6.30 Policy CS16 of the Chiltern District Core Strategy outlines that the Council will secure the long-term retention of employment sites and premises within the District which are attractive to the market and propose a range of jobs to meet local needs.
- 6.31 The site would continue to contribute as a source of employment. Around 30-50 staff would be expected to be employed as part of the proposed development. As such, there would be no conflict with the Council's employment planning policies.

### **Transport matters and parking**

Core Strategy Policies:

CS25 (Dealing with the impact of new development on the transport network)

CS26 (Requirements of new development)

Local Plan Saved Policies:

TR2 (Highway aspects of planning applications)

TR3 (Access and road layout)

TR15 (Design of parking areas)

### Access and Highway Safety

- 6.32 Policy CS26 of the Chiltern Core Strategy considers the requirements of new developments and expects compliance with a range criteria including a) provide safe, convenient and attractive access on foot by cycle, making suitable connections with existing footways, public footpaths, bridleways, cycleways, local facilities and public transport so as to maximise opportunities to use these modes: b) Ensure that the convenient use and enjoyment of existing public rights of way are not affected by the development; c) Integrate with local public transport; d) Be appropriately located to the road network and provide satisfactory vehicle access(es) to and from the area of development so that convenience, safety, and free flow of traffic using public highways are not adversely affected; e) Provide appropriate and effective vehicular and cycle parking and servicing arrangements; f) Ensure that all vehicular traffic generated by future development does not materially increase traffic problems such as congestion and local air quality.
- 6.33 The above is generally consistent with paragraph 114 of the NPPF which sets out similar considerations. In addition, paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.34 In terms of access to the site, it is proposed to close the existing western access to the site and utilise the existing eastern access point which would be amended to facilitate all traffic movements to and from the site. In addition, it is proposed to extend the pedestrian footway on the south side of London Road West to connect with the existing bus stop to the east of the site.
- 6.35 In addition to the above, the applicant has provided swept path analysis for the purpose of tracking the delivery vehicles to the site. The Council's Highways officers have reviewed the access matters and have raised no issues regarding the visibility of the sites entrance. It has been noted that the tracking information highlights a slight overrun on left hand turns from the site. However, the existing site when in operation was also served by large HGV which also overran the opposite carriageway, it is on this basis that Highway officers

do not raise any objections in relation to this point. It is also noted that there have been no records of accidents at the site regarding the issue of access and manoeuvrability.

- 6.36 In terms of the impacts on traffic and highway safety, the applicant has provided a Transport Assessment including predicted trip generation. Further information from Highway Officers was requested during the course of the application in relation to baseline traffic data and traffic modelling of the proposed right hand turning lane into the site.
- 6.37 Overall, the Council's Highway Officers are satisfied with the information provided in relation to trip and traffic impacts. It is considered that the proposed development would not have an adverse impact on the surrounding road network, insofar that the nearby road junctions would be able to operate within capacity. The traffic movements generated by the proposed development can therefore be safely accommodated within the local highway network within all expected peak periods.

### Parking

- 6.38 In terms of parking 101 car parking spaces would be provided across the site. Against the Buckinghamshire Parking Standards this would represent a shortfall of 42 spaces. To justify the shortfall, the application is supported by a parking survey and parking data from 2 other Aldi Stores comparable to the proposed site by way store and town size. The surveys reveal that peak parking demand would take place at weekend peak hours (12:00 – 16:00).
- 6.39 The information has been reviewed by the Council's Highway officers who have acknowledged that the number of spaces provided would be sufficient to cater for the likely demand. Notwithstanding this, during the event of peak demand, there is likely to be a high turnover of spaces. The layout of the car park provides good stacking and would allow vehicles to enter and exit the site without having undue impacts on the surrounding Highway network.
- 6.40 In addition to the above, Highway officers note that the surrounding Highway network benefits from parking restrictions (in the form of double yellow lines) which would prevent overspill onto the highway. As such, it is considered that the level of parking provided would not result in any unacceptable impacts in terms of highway safety and convenience of highway users.
- 6.41 In addition to the above, opportunities for electric charging spaces would be provided (4 active and 19 passive), 5 blue badge spaces, 6 parent and child spaces and provision for 8 cycle spaces. No objections have been raised by Highways officers in relation to the above.

### Sustainability

- 6.42 The application site is within a mixed-use area with the residential area of Amersham close by the site. It is likely that some trips would be made by foot and cycle and public transport (with bus stops located on London Road West outside the site). The site is considered to be in a location that would benefit and encourage the use of sustainable transport options. It should be noted that improvements are being proposed in the form of a pedestrian crossing across London Road West, and would be subject to the applicant entering into a Section 278 agreement to progress these Highway improvement works.
- 6.43 The application is also supported by a Travel Plan, which sets out objectives to reduce reliance on single occupancy car journeys, provide opportunities for active healthy travel

and to increase proportion of journeys to and from the site by sustainable modes of transport. A final version of the Travel Plan has been requested by highways officers via planning condition with funding for its monitoring by the Council to be secured by Legal Agreement.

- 6.44 As well as the Travel Plan objectives, the Highways Authority have recommended contributions to be sought to improve bus stop provision in the form of real time travel information for which £15,500 would be required and captured via a legal agreement.
- 6.45 Overall, it is considered that the proposed development would align with local and national policy in relation to highway impacts. The proposed development would not result in any unacceptable impact on highway safety as set out in para. 115 of the NPPF.

### **Landscape and visual Impact**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS20 (Design and environmental quality)

CS22 (Chilterns Area of Outstanding Beauty)

Local Plan Saved Policies:

GC1 (Design of development)

LSQ1 (Chilterns Area of Outstanding Natural Beauty as defined on the Proposals Map)

- 6.46 Part B of Core Policy CS22 of the Chiltern Core Strategy states that all proposals must protect the setting of the AONB and safeguard views into and out of the area.
- 6.47 In terms of the design of the proposed building this is explored further in the report below. In terms of impacts on the wider character of the area, it should be noted that the development site is within the built-up area of Amersham. However, the boundary of the Chilterns AONB wraps around the site to the south and east.
- 6.48 The surrounding area is characterised by buildings of various scales, forms and uses. Including residential dwellings on the north side of London Road West and to the west of the site. There are larger commercial buildings further west towards and beyond the junction with Station Road including Tesco Superstore and the Three Valleys Water Pumping Station. For the purposes of the Chiltern and South Bucks Townscape Character Study, the surrounding area is described as an 'Out of Centre Commercial' character typology area.
- 6.49 The application site is not located with a designated landscape. However, views of the site would be available from the Chilterns Area of Outstanding Natural Beauty (AONB) from public footpaths to the south and east of the site. In terms of the AONB that adjoins the site to the south and east, for the purposes of Bucks Landscape Character Assessment (2011) this is identified as the Misbourne Upper Chalk River Valley.
- 6.50 The Misbourne Upper Chalk River Valley character is described as a shallow chalk valley, gently sloping and indented by smaller dry valleys to produce smooth rolling valley sides, with a relatively wide, flat bottom floodplain. Amongst other things the character area also identifies the valley acting as a transport corridor for the A413 following the valley floor, with this being visible from many parts of the landscape. The landscape guidelines for this area of the AONB include conserving and enhancing habitats along the Misbourne Valley, avoiding deterioration in levels of tranquillity, and avoiding large scale development which is out of keeping with the existing scale of built form.
- 6.51 The applicant has submitted a Landscape Visual Appraisal (LVA) which identifies a total

of 8 public vantage points from where the proposed development would be viewed and the impacts on these viewpoints within the public realm.

- 6.52 In terms of the methodology for visual impacts, Zone of Theoretical Visibility (ZTV) mapping has been used to identify the likely extent of visibility of the proposed development. The ZTV aims to reflect the theoretical visibility of the tallest part of the development (in this case a maximum roof height of 9m above ground level). It should be noted that ZTV's assume the worst-case scenario where vegetation and landscape is not taken into account.
- 6.53 The results of the ZTV reveal that the proposed development would generally be limited to short distance views owing to the landscape and built form. From the wider landscape it was found that views of the site are limited to views from rising land located immediately to the north and south of the Misbourne Valley, which the site lies in.
- 6.54 In terms of the short distance impacts the visual change on receptors would be experienced at the following points:
- Public right of way AMS/18/1 Rodgers Wood (to the South)
  - South Bucks Way (immediately to the south of the site)
  - Public right of way AMS/1/3 near Parsonage Wood (north-west of the site)
  - Views from the surrounding roads/streetscene/Dwellings at London Road West, London Road East, Station Road
- 6.55 In terms of visual effects, the proposed redevelopment of the site would result in a magnitude of change considered to be at a medium magnitude, except for those views from public footpaths which would be a medium/high magnitude of change due to the fact that the existing building would be removed and a new building with a higher first floor element in a location closer to the western boundary of the site. However, in the context of the existing site, the impact of the proposed development would be sited within an urban setting, on a previously developed site against the backdrop of other commercial buildings and the wider built-up area of Amersham and therefore afforded a neutral effect overall.
- 6.56 The landscape assessment also addresses the impact of lighting as part of the proposed development. Similarly, any proposed lighting would have a similar impact to the existing site circumstances, due to the fact that this part of the built-up area of Amersham benefits from street lighting and similarly lit commercial and residential premises.
- 6.57 Based on the LVA assessments, it is concluded that the impact of the proposed development due to its nature and scale would be limited to local views with no undue impacts on the wider character areas of the AONB. In terms of visual effects, whilst the new development would be apparent from the local views identified, there would be opportunities for boundary planting which would provide vegetative screening once at full maturity.
- 6.58 Noting the above, officers would consider the findings of the submitted landscape visual assessment to be a fair assessment of the proposed development in terms of its impacts on the wider landscape. Overall, it is considered that the proposed development would not have an unacceptable impact on the setting of the wider Chilterns AONB. Localised impacts in terms of design and visual amenity are discussed further below.

### **Raising the quality of place making and design**

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)



CS20 (Design and environmental quality)  
CS22 (Chilterns Area of Outstanding Natural Beauty)  
CS29 (Community)  
CS32 (Green infrastructure)  
Local Plan Saved Policies:  
GC1 (Design of development)  
GC4 (Landscaping)

- 6.59 Core Strategy 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. Local Plan 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. These good design principles are also reflected in the NPPF which highlights that good design is a key aspect of sustainable development, creates better places in which to live, work and helps make development acceptable to communities.
- 6.60 Para 135 of the NPPF sets out how decisions should ensure that developments add to the quality of the area, are visually attractive, sympathetic to the local area, optimise the potential of the site and create places which are safe, inclusive and accessible.
- 6.61 The proposed development would make use of a previously developed site, currently occupied by a two-storey flat roofed building of no architectural merit, surrounded by a large apron of hardstanding.
- 6.62 As noted in the section above, the character of this part of Amersham is mixed with a number of commercial and residential properties of varying from, scales and designs.
- 6.63 In terms of size and scale the proposed building would be 67m in depth and 24.8m in width. The single storey element would be a maximum height of 5.3m and the first-floor element would be a maximum height of 8.8m. The proposed building would be flat roofed with the first-floor element located towards the back of the building, approximately 42.5m from the front elevation. Like, the existing building, the proposed development would not dominate the streetscene, noting the generous set back. In any event, officers consider that the size and scale of the proposed building to be compatible with the other buildings in the immediate area.
- 6.64 It is noted that a number of representations have raised concern with the design of the proposal. The design of the proposed building would be flat roofed, (as per the existing building on the site) and would be of a functional, simple appearance. It would feature full height glazing to the north elevation identifying the retail area and enhancing the buildings interaction with the public realm through the creation of an active frontage facing the main road. The glazing also wraps around the northeastern corner of the building to define the entrance, which incorporates a cantilevered canopy that also shelters the trolley bay and customers entering and exiting the building. In order to break up the mass on the eastern elevation there is a continuation of high-level ribbon windows, which also provides natural daylight into the retail area.
- 6.65 It is also noted that concerns have been raised in relation to the materials proposed for the building. Officers sought amendments to the material palette during the course of the application in order to remove grey cladding which was to be used on elements of the

development.

- 6.66 As such, the proposed building would now consist of a mixture of brick work and white render. Officers consider the materials to be appropriate for the area and would reflect other building materials used in the area. It is noted that the majority of the housing stock to the north of the site predominately feature a mixture of brick and render as is typical for the Metroland housing within Amersham. A condition would be recommended to secure the final material details for the proposed development.
- 6.67 The proposed development would result in the closure of one of the current access points. This would result in soft landscaping being provided along the front boundary of the site. In addition, further soft landscaping would be provided along the perimeter of the site, which would help break up the massing of the car parking and provide screening and relief from the boundaries of the site. Final details of landscaping would be sought by planning condition.
- 6.68 Overall, the immediate area consists of a mixture of buildings of varying form and characteristics (as noted in the Chiltern and South Bucks Townscape Character Study). The proposed development is considered to be of an acceptable scale, form and appearance. It is considered that the proposed development would be a visual improvement in comparison to the existing site circumstances and would not unacceptably harm the surrounding streetscene or the character of the area in accordance with policy CS20 of the Chiltern District Core Strategy and policy GC1 of the Chiltern Local Plan.

#### **Historic environment**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

Local Plan Saved Policies:

LB1 (Protection of special architectural or historic interest of Listed Buildings throughout the district)

LB2 (Protection of setting of Listed Buildings)

CA2 (Views Within, out of, or into the Conservation Areas as defined on the Proposals Map)

AS2 (Other unscheduled archaeological remains)

- 6.69 Policy LB2 of the Chiltern Local Plan states that planning permission will not be granted for any development within the curtilage, or in the vicinity of a listed building which would adversely affect the setting of that listed building.
- 6.70 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets' conservation (para 205). The NPPF states in para 200 In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.71 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building, conservation area, or their setting or any features of special architectural or historic interest which they possess, and which is it accepted is a higher duty.
- 6.72 The application site is not located in the Old Amersham Conservation Area, which is located over 400m to the west, beyond the junction with Gore Hill and London Road West.

As highlighted previously, the application site is located opposite two Grade II Listed buildings 'Ambers of Amersham' and 'The Chequers'. The application is supported by a desk top heritage statement which has been reviewed by the Council's Heritage Officer.

- 6.73 Concerns have been raised in relation to the impact of the proposed development on the setting of the Grade II Listed buildings located opposite the site on the north side of London Road West. The Council's Heritage officer notes that the application site was once formed of open fields which were once associated with the subject listed buildings. However, the application site no longer forms part of the significance of the listed buildings (Ambers and Chequers).
- 6.74 Notwithstanding the above, elements of the proposed development have been identified as introducing potential harm to the setting of the Grade II Listed buildings. The Council's Heritage officer has referred to the advertisement associated with the proposed supermarket. However, this is not being considered as part of the subject planning application and would need to be subject to a separate application for Advertisement Consent (an informative would be attached to any forthcoming permission).
- 6.75 In addition to the above, concerns have been raised in relation to the impact of the forecourt of the proposed development and the lack of enhancement in line with Historic England's Planning Note (HEPN). Para 39 of the HEPN also outlines the options to reduce harm through good design which includes management measures capable of being secured via planning condition.
- 6.76 Amended plans were provided during the course of the application which has increased the amount of boundary screening on the front of the site. Officers consider that the exact planting details of the front boundary can be secured by planning condition. Subject to landscape screening, officers consider that any potential harm can be effectively reduced.
- 6.77 Third party responses have also raised concerns of the impact of the proposal on the historic settlement of Old Amersham. As highlighted previously, the application site is not located within the Old Amersham Conservation Area, which is 420m to the west. Due to the separation distance and the fact that the application would not be visually prominent when viewed from the Conservation Area, no undue harm would occur to its setting.
- 6.78 The northern end of the application site is within an archaeological notification area. The applicant's heritage assessment has addressed potential archaeology and non-designated heritage assets beneath the site. The construction of development may impact on any in situ archaeological remains. These impacts should be mitigated by appropriate archaeological investigation. If planning permission is granted for this development then it is likely to harm a heritage asset's significance so a condition should be applied (as recommended by Council's Archaeology Officer) to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 207. With reference to the NPPF it is therefore recommended that any consent granted for this development is made subject to conditions.
- 6.79 Overall, it is considered that the proposed development would be satisfactory in terms of impacts on designated and non-designated heritage assets.

## **Amenity of existing residents and Environmental Issues**

Local Plan Saved Policies:

GC3 (Protection of amenities)

GC7 (Noise-generating developments)

GC9 (Prevention of pollution)

- 6.80 Policy GC3 of Chiltern Local Plan highlights the requirements to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties. Where amenities are impaired to a significant degree, planning permission will be refused.
- 6.81 In terms of the built form of the development, this would be located closer to the western boundary of the site compared to the existing buildings. The nearest residential dwellings to the application site, are those in Washington Row (located to the west).
- 6.82 The rear gardens of the ground floor of 1-13 Washington Row abut the rear gardens of the site and are approx. 7.5m in depth. However, the proposed building (the front of the buildings single storey element) would be located to the south of these properties and would only be seen at oblique angles. As such, officers consider that no undue impacts in terms of visual dominance, overshadowing or loss of light would occur.
- 6.83 The majority of the western elevation of the building, including the first-floor element to the rear would be adjacent to the covered reservoir and therefore would not result in any undue impacts on residential amenities.
- 6.84 The proposed development would have the potential to introduce noise and disturbance due to the level of coming and goings associated with the proposed retail use of the site. Although this would not be too dissimilar to the existing lawful use of the site.
- 6.85 Noise generating activities would include deliveries to the rear of the store and the inclusion of plant on the roof of the proposed building. It should be noted that the deliveries and the plant (i.e. air conditioning units) would be located behind an acoustic screen towards the southern end of the store away from residential properties.
- 6.86 It also recognised that an element of noise and disturbance may occur as a result of demolition and construction. The Council's Environmental Health Officer has reviewed the application and has not raised any objections. It is suggested that conditions are attached to any forthcoming permission securing details of opening hours, delivery hours, waste management and plant machinery. A construction management plan is also recommended as part of any permission.
- 6.87 These conditions are considered sufficient to ensure that the construction of the development is adequately controlled during the construction phase. In addition, this would not prevent action from being taken through other Environmental Health legislation should the development be considered to be creating nuisance.
- 6.88 Artificial light is proposed within the parking areas of the proposed development. The proposed lighting is not considered to be excessive and is supported by projected light spill which has not been raised as a concern as part of the review by Council Environmental Health officers.
- 6.89 In terms of land contamination, the Council's Environmental Health Officer has recognised that the existing site due to its former uses could potentially contain contaminates. However, it is considered that further investigative work could be secured through planning condition.
- 6.90 In summary, subject to appropriate conditions, it is considered that the proposed

development would not unduly harm the residential amenities of nearby properties in terms of their light, outlook, or privacy. Although there will be some impact from construction traffic and dust, conditions can require the submission of a Construction Traffic Management Plan. Therefore, whilst the concerns raised within the representations received with regards to the impact on residential amenity are noted, it is considered the proposed development would ensure an adequate level of residential amenity for existing and future occupiers in accordance with Local Plan policies GC1, GC7 and the advice set out within the NPPF.

### **Flooding and drainage**

Core Strategy Policy:

CS4 (Ensuring that development is sustainable)

Local Plan Saved Policy:

GC10 (Protection from flooding)

- 6.91 The NPPF states at para 165 that inappropriate development in areas of high risk of flooding should be avoided by directing development away from areas of highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 of the Framework requires all plans to apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. Paragraph 168 of the NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 6.92 Where appropriate, applications should be supported by a site-specific flood risk assessment (paragraph 173) and when determining applications LPAs should ensure that flood risk is not increased elsewhere. Paragraph 175 requires that major developments incorporate sustainable drainage systems, unless there is clear evidence this would be inappropriate.
- 6.93 The River Misbourne flows from north west to south east across the north eastern corner of the application site. As such, the site is located with Flood Zones 2 and 3a at high risk of fluvial flooding and is subject to Surface Water Flood Risk from low to high.

### **Flood Sequential Test**

- 6.94 Due to the flood risk associated with the proposed development, the application would require a Sequential Test in line with Paragraph 168 of the NPPF. The purpose of the sequential test, as explained by Paragraph 169 of the NPPF, is to steer new development to areas of lowest flood risk. These mean that “development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding”.
- 6.95 In terms of the assessment of the submitted Sequential Test the Planning Practice Guidance (PPG) provides guidance on its application as follows: “Application of the sequential approach in the plan-making and decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so”
- 6.96 The PPG recognises that the sequential test will be defined by local circumstances relating

to the catchment area for the type of development proposed. It continues: 'When applying the Sequential Test, a pragmatic approach on the available of alternative should be taken'. It goes on to state that; 'The developer should justify with evidence to the local planning authority what area of search has been used when making the application. Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increase flood risk elsewhere.'

6.97 Turning to the approach to the sequential test, the applicant has set out the structure and considers that the site selection based on the sites identified in the Retail Sequential Test would be appropriate for the basis of the Flood Sequential Test. Officers consider that the sites identified would be pragmatic and reasonable.

6.98 The Flood Sequential Test identifies all relevant sources of flooding for the sites identified using evidence from Environment Agency Flood mapping, Surface Water Mapping, Reservoir Flooding and sewer flooding. Officers consider that the identification of the potential sources of flooding to be appropriate.

6.99 The summary of the flood constraints at the identified sites (as per the Retail Sequential Test) are outlined as follows:

Site A: East Building Supplies, Chiltern Avenue, Amersham-on-the-Hill

Lower flood risk than the proposed site although not suitable and available for development. The site is deemed not sequentially preferable.

Site B: Sycamore Road/Woodside Road, Amersham-on-the-Hill

Lower flood risk than the proposed site although not available for development

Site C: Postal Sorting Office, Hill Avenue, Amersham-on-the-Hill

Lower flood risk than the proposed site although not commercially viable or available for development.

Site D: Star Yard Car Park, Chesham Town Centre

Lower flood risk than the proposed site although not suitable or available for development.

Site E: NCP Station Car Park, Chesham

Lower flood risk than the proposed site although not suitable or available for development.

Site F: Red Lion Street, Chesham (Water Meadow Surgery/Chesham Job Centre)

Lower flood risk than the proposed site although not available for development.

6.100 Noting the above it would appear that there would be sequentially preferable sites in terms of flood risk. However, for the reasons set out in the Retail Sequential Test these sites are either not appropriate for the proposed development or not reasonably available at the point of time envisaged for the proposed development. Whilst the Flood Sequential Test differs from that of the retail sequential test, it should be considered in the context of the outcomes of the retail sequential test that sites a to f were not sequentially preferable on retail grounds.

6.101 Officers consider that the applicant has provided sufficient information in relation to the flood sequential test and as such, it is considered passed.

6.102 Paragraph 169 of the NPPF states that if it is not possible for development to be located

in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

- 6.103 In this instance, the proposed retail development is identified as a less vulnerable land use in accordance with the flood risk vulnerability criteria, which is a compatible land use for the site. Therefore, there is no requirement to carry out an exception test.
- 6.104 Referring again to Para 159 of the NPPF which outlines where development is necessary in high-risk flood areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 6.105 The NPPF also states that 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.
- Paragraph 169 requires that major developments incorporate sustainable drainage systems, unless there is clear evidence this would be inappropriate.
- 6.106 The proposed development is accompanied by a site-specific Flood Risk Assessment and it is noted that a drainage strategy for the site has been amended during the course of the application to the satisfaction of Buckinghamshire Council as the Lead Local Flood Authority (LLFA).
- 6.107 The LLFA has reviewed the latest iteration of the drainage strategy for the site and subject to the imposition of conditions are satisfied that an appropriate and workable drainage solution can be achieved on the site.
- 6.108 In addition to the above, the Environment Agency has reviewed the flood risk assessment and they do not raise any objections. Overall, it is considered that the proposed development would not result in any unacceptable impacts in terms of flood risk.

## **Ecology**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

Local Plan Saved Policies:

NC1 (Safeguarding of nature conservation interests)

GC12 (Protection Of River Character - Rivers Chess And Misbourne)

- 6.109 Policy CS24 of the Chiltern Core Strategy aims to conserve and enhance biodiversity. 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.
- 6.110 Policy GC12 of the Chiltern Local Plan states that any development which will detrimentally affect the character of the District's rivers, river banks or land in the vicinity of a river, particularly where the development impinges visually on the riverside landscape, will not be permitted. The term "river" includes any adjoining marshland, or other related water feature and applies to the River Chess and River Misbourne.
- 6.111 In addition to the above the Buckinghamshire Council Biodiversity Net Gain SPD (2022) sets out guidance on how biodiversity net gain should be delivered across development

sites.

- 6.112 In terms of protected species, the submitted Preliminary Ecological surveys and species surveys have not identified that there would be an adverse harm as a result of the development on protected species or their habitats. The Council's Ecology officer has not raised any objections in terms of impacts on protected species. However, conditions would be recommended in relation to a construction environmental management plan, with details to be submitted prior to the commencement of development.
- 6.113 As highlighted previously the River Misbourne runs through part of the site. The River Misbourne is identified as a Chalk Stream and is identified as priority habitat under Section 41 of the Natural Environment and Rural Communities Act 2006. Local planning authorities have a duty to conserve and enhance biodiversity under the Natural Environment and Rural Communities Act 2006 (NERC Act 2006).
- 6.114 In terms of preventing pollution from water-run off from the site, the applicant proposes to incorporate oil receptors in vehicle standing areas. Oil receptors are drains which trap oil and prevent contaminated water from entering watercourses. In terms of the details, these can be sought as part of the requested construction environmental management plan condition. Ecology officers have also requested measures to prevent debris and litter from the site from entering the river. As such, details of a waste management plan can be sought via condition.
- 6.115 During the course of the application further information was requested from both the Environment Agency and the Council's Ecology officer in relation to Biodiversity Net gain.
- 6.116 The applicant has submitted a Biodiversity Net Gain Report and Biodiversity Net Gain Metric 4.0 which would result in a net gain scheme within the River Misbourne and would include habitat creation and enhancements (net gain of River units of 12.84%).
- 6.117 Overall, no objections are raised in terms ecological enhancements, subject to conditions securing the landscape and ecological management across the site.

### **Building sustainability**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS5 (Encouraging renewable energy schemes)

Local Plan Saved Policy:

GC1 (Design of development)

- 6.118 The submitted Design and Access Statement sets out how the proposed development would accord with principles of the energy hierarchy. Measures to be used in the proposed development include low carbon technologies in relation waste heating recovery from the refrigeration system.
- 6.119 The building has been designed with sustainable approaches including measures to prevent high levels of air permeability, which includes features such as the entrance lobby and seals around the delivery bay ensuring heat loss is minimised. In addition, natural ventilation is proposed in ancillary spaces with large amounts of glazing into the retail area ensure the space is well day lit.
- 6.120 Measures such as the use of low energy LED lighting and the provision of electric charging spaces for customers (4 active and 19 passive spaces) would also contribute towards sustainability principles, and could be secured by planning conditions.



## **Infrastructure and Developer Contributions**

Core Strategy Policies:

CS31 (Infrastructure)

- 6.121 The development is a type of development where CIL would be chargeable.
- 6.122 It is considered that there would not be other types of infrastructure, other than the provision of the off-site highway works that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.
- 6.123 Having regard to the statutory tests in the Community Infrastructure Levy regulations and the National Planning Policy Framework it is considered that the following planning obligation(s) are required to be secured within a section 106 agreement:
- Financial contribution of £15,500.00 towards upgrading of Bus Stops
  - Travel plan (including monitoring fee)
- 6.124 The applicant has confirmed that they are willing to enter into a legal agreement.

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

- 7.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless 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
- 7.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.3 As set out above, the proposal for an out-of-town centre retail development has been assessed in terms of retail impact and the vitality and viability of the local town centres. No adverse impacts have been identified. The proposal would make effective and efficient use of a previously developed site. In addition, the proposal is considered to result in economic and social benefits which would be attributed positive weight.
- 7.4 Compliance with National and Local Plan policies have been demonstrated in terms of visual impact, setting of the AONB and heritage assets, preserving residential amenities, parking and access, meeting the challenge of climate change and flooding, and conserving and enhancing the natural environment, however these do not represent benefits of the scheme but rather demonstrate an absence of harm to which weight should be attributed

neutrally.

- 7.5 It is considered there are no adverse effects of the proposal that would significantly and demonstrably outweigh the benefits. Taking all of the above into account it is considered that the proposal would provide for a sustainable form of development that meets the requirements of the NPPF and relevant Development Plan policies.

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

- 8.1 In accordance with paragraph 38 of the NPPF (2023) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 8.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 8.3 In this instance:
- Pre-application advice has been given.
  - The applicant/agent was informed of issues arising with the development during the course of the application process and was given the opportunity to address concerns.
  - Further submissions and amendments were accepted in relation to retail impact, ecology, drainage and design.
  - Following the addressing of these issues to the satisfaction to the relevant consultees, the application was referred to the Planning Committee without delay.

- 9.0 Recommendation:** Defer and delegate the application to the Director of Planning and Environment to GRANT planning permission subject to the conditions set out in this report and the satisfactory prior completion of a Legal Agreement relating to financial contributions towards upgrading of Bus Stops and Travel plan monitoring fees. If the Legal Agreement cannot be completed the application shall be refused for such reasons as considered appropriate.

Conditions:

1. The development to which this permission relates must be begun before 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 91 (1) of the Town & Country Planning Act 1990, as amended.
2. Before any construction work at or above ground level commences, details of the materials to be used for the external construction of the development hereby permitted, including the surface materials for the new parking, turning areas and boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in the approved materials. Hard surfacing materials shall be of a permeable surface or shall allow for natural drainage within the site.  
Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality, setting of nearby listed buildings or create flooding issues, in accordance with Policies GC1, GC10, LB2, CA1 and CA2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and Policies CS4 and CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

3. Prior to the commencement of any works on site, detailed plans showing the existing ground levels and the proposed slab and finished floor levels of the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed datum point located outside the application site. Thereafter the development shall not be constructed other than as approved in relation to the fixed datum point.

Reason: To protect, as far as is possible, the character of the locality, in accordance with Policies GC1, CA1 and CA2 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, and Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011).

4. No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping at a scale of not less than 1:500 which shall include indications of all existing trees and hedgerows on the land, with details of those to be retained, those to be felled being clearly specified, and full details of those to be planted. This shall include full details of the locations, size and species of all trees, hedgerows and shrubs to be planted, removed and retained.

Reason: In order to maintain, as far as possible, the character of the locality and to ensure biodiversity enhancements in accordance with 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, and policies CS20 and CS24 of the Core Strategy for Chiltern District (Adopted November 2011).

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

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

6. No development shall take place (including demolition, ground works, vegetation clearance) unless and until the Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management which will (without limitation) include the provision of biodiversity net gain within the Site as shown within the Biodiversity Gain Plan.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall be for no less than 30 years. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy 24: Biodiversity of the Chiltern District Core Strategy and providing a reliable process for implementation and aftercare.

7. Before any construction works hereby approved are commenced, a Construction Environmental Management Plan (CEMP) detailing, in full, measures to protect existing habitat during construction works and to safeguard protected and notable species, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should be completed in accordance with the British Standard on Biodiversity BS 42020:2013 with these details below:
  - a) Details of what biodiversity features could be impacted on and what development activities could be potentially damaging;
  - b) A rolling timetable of when and where specific measures to avoid / reduce impacts are to be carried out including any seasonal or legal implications (e.g. the bird nesting season) and who is responsible;
  - c) Details of method statements for specific biodiversity issues (e.g. for specific destructive activities such as: vegetation clearance, hedgerow removal, tree felling, soil stripping and building demolition);
  - d) Identify all practical measures (e.g. fencing, protective barriers and warning signs) and sensitive working practices to avoid impacts;
  - e) Details of inspections to ensure wildlife do not become trapped in excavations or machinery;
  - f) Details of other responsible person and lines of communication on-site in relation to the implementation of the CEMP;
  - g) Details of contingency measures in the event of an accident or other potentially damaging incident (e.g. pollution incidents; how to deal with previously unrecorded protected species found during construction and restoration; unexpected bad weather; repair of damaged features etc.);
  - h) Details of procedures to avoid pollution incidents (e.g. from fuel spills and site run-off based on an understanding of the wildlife interest at risk);
  - i) Regular review of the implementation of CEMP throughout the construction / restoration phase to monitor effectiveness of mitigation measures and compliance with legal, planning and/or contractual requirements;
  - j) Details of biosecurity protocols / method statements to prevent spread of non-native species;
  - k) Temporary management of existing wildlife features during construction / implementation.

The development shall be undertaken and thereafter maintained in accordance with the approved CEMP.

Reason: To safeguard priority habitat and protected species that may otherwise be affected by the development.

8. Prior to occupation, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
  - c. include location, height, type and direction of light sources and intensity of illumination.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) and protect species of conservation importance and in the interests of protecting residential amenities

9. No development shall take place, including works of demolition, until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority, in conjunction with the Highway Authority. The CTMP shall include details of:
  - i. The accessing and routing of construction vehicles
  - ii. The parking of vehicles of site operatives and visitors
  - iii. Loading and unloading of plant and materials
  - iv. Storage of plant and materials used in constructing the development
  - v. Wheel washing facilities
  - vi. Construction access
  - vii. Details of hoarding positions
  - viii. Information and directional signs

The approved plan shall be adhered to throughout the construction period.

Reason: In the interests of highway safety, convenience of highway users and to protect the amenities of residents.

10. Prior to occupation and further to the new access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb or removing the existing bellmouth and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

11. Prior to occupation of the development, the scheme for parking, manoeuvring and the loading and unloading of vehicles shown on the submitted plans, including the provision of parent and

child parking, click and collect parking, disabled parking and electric vehicle charging spaces, shall be laid out. In addition, the internal pedestrian link between the footway and the entrance lobby shall be laid out. The areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

12. Prior to occupation of the development, a covered area for cycle parking, as broadly indicated on the submitted plans, shall be laid out prior to the initial occupation of the development hereby permitted and shall not thereafter be used for any other purpose.

Reason: In order to promote sustainable methods of travel and to minimise obstruction and inconvenience to users of the site and the highway.

13. Prior to first occupation of the development the off-site highway works shown in principle on drawing SK04 Rev C, which includes:

- Extension to the existing pedestrian footways
- Zebra crossing point
- Amended road markings
- Tying in kerbing and lining with the existing provision
- Informal dropped kerb crossing point and
- Amended vehicular access

have been laid out and constructed in accordance with details to be first approved in writing by the Planning Authority in consultation with the Highway Authority and shall be subject to the relevant consultations including, traffic speed surveys and Safety Audit approvals, all of which shall be paid by the developer.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

14. No works (other than demolition) shall begin until a scheme for kerb upstands and clearway markings at bus stops shall be submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority. These off-site highway works shall then be laid out and constructed in accordance with the approved details prior to the occupation of the development.

Reason: To enable the Local Authority to enforce the parking restriction within the existing bus stop lay-bys, allowing buses to pull clear from the live carriageway at all times for the safety and convenience of the highway user.

15. No part of the development shall be occupied until a final Staff Travel Plan for the site has been submitted to and approved by the Planning Authority. The framework shall set out measures to reduce single occupancy journeys by the private car and indicate how such measures will be implemented and controlled. The Travel Plan shall include targets for modal shift in the forthcoming year and up to 5 years. No part of the development shall then be occupied until the approved Travel Plan has been implemented and subject to annual review thereafter. For the avoidance of doubt the Travel Plan will require the appointment of a Travel Plan Co-ordinator.

Reason: In order to influence modal choice and to reduce single occupancy private car journeys and comply with national and local transport policy.

16. No works (other than demolition) shall begin until the detailed design of the surface water mitigation measures as set out in Surface Water Conveyance Technical Note 2 (Doc. Ref. 11862w0007a, dated 23/03/2023) and supporting documents has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The detailed design shall include full construction details and relevant calculations relating to all elements of the indicative surface water flooding mitigation scheme included within Surface Water Conveyance Technical Note 2 (Doc. Ref. 11862w0007a, dated 23/03/23) Appendix C, referenced as; Craddy Drg. 11862-CDY-XX-XX-DR-D-Ss\_50\_35\_00-0076-S2-P03 'Overland Surface Water Flows Conveyance Scheme Layout' and Drg. 11862-CDY-XX-XX-DR-D-Ss\_50\_35\_00-0076-S2-P03 'Overland Surface Water Flows Conveyance Scheme Sections Sheet One' as follows:

- 1) Detailed design/typical construction details/line and level info relating to open 'U' concrete channels and associated grating covers proposed along the western and eastern site boundaries, including proposed external surface levels.
- 2) Detailed design information relating to the inlet and outlet structures from conveyance culverts into the U concrete channels in addition to details of the 450mm outfall structure into the adjacent River Misbourne; and
- 3) Detailed design/typical cross sections/long sections/supporting calculations relating to the series of three conveyance culverts located beneath the building.

Reason: The reason for this pre-construction condition is to ensure that there is a satisfactory solution to managing surface water flood risk in accordance with paragraph 173 and 175 of the National Planning Policy Framework.

17. No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on the principles set out in approved Flood Risk Assessment (Doc. Ref. 11862w0002b, August 2021, prepared by Craddys) and Craddys letter (Ref. 11862w0004, dated 17/11/2021), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components
- Discharge from the surface water drainage scheme is to be no greater than 2l/s as set out in FRA prepared by Craddys (Doc. Ref. 11862w0002b, August 2021)
- SuDS components agreed in the outline application as shown on Craddys drg.ref. 11862-0050- Rev. B 'Drainage Layout' included within Appendix F of the approved FRA
- Full construction details of all SuDS and drainage components
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Details of the proposed surface water pumping system including details of sump/wetwell, duty/standby pump specifications, rising main and break chamber
- Calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site.
- Calculations should also include an assessment of half drain times and demonstrate that the proposed drainage system has the ability to accommodate repeat storm events (1 in 10yr

return period storm event). The calculations should also include an assessment of the impacts of

- blockage, surcharged outfall conditions and the residual risk of pump failure;
- Details of proposed overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites.
- Flootation calculations for all buried drainage elements (attenuation tanks, pump station sump/wetwell, conveyance culverts, concrete U channels etc...) based on groundwater levels encountered during winter monitoring (November-March) or based on the worst case scenario of groundwater at surface level.

Reason: The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 173 and 175 of the NPPF (Dec 2023) is to ensure that there is a satisfactory solution to managing flood risk.

18. Prior to the occupation of the development a whole-life maintenance plan for the site must be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how and when to maintain the on site surface water mitigation and drainage infrastructure (e.g. a maintenance schedule for each component i.e. SuDS/pump station/conveyance culverts, channels, outfall etc...), with details of who is to be responsible for carrying out the maintenance. The plan shall also include as-built drawings and/or photographic evidence of the drainage scheme carried out by a suitably qualified person. The plan shall subsequently be implemented in accordance with the approved details.

Reason: The reason for this prior occupation condition is to ensure that arrangements have been arranged and agreed for the long-term maintenance of the drainage system as required under Paragraph 175 of the NPPF (Dec 2023).

19. Before any construction work above ground commences, details of the measures to provide at least 10% of the energy supply of the development secured from renewable or low- carbon energy sources, including details of physical works on site and the details and location of the electric vehicle charging points, shall be submitted to and approved in writing by the Local Planning Authority. The renewable energy equipment shall be installed in accordance with the approved details prior to the occupation of the development and shall thereafter remain operational.

Reason: To increase the proportion of energy requirements arising from the development from decentralised and renewable or low-carbon sources, in accordance with policy CS5 of the Core Strategy for Chiltern District (Adopted November 2011).

20. The store shall only be open to be public between the following hours:

Monday to Saturday 0800hrs - 2200hrs

Sunday 1000 - 1700hrs

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy.

21. No deliveries shall be received or dispatched from the site or collection of waste shall outside of the following hours:

Monday - Saturday 0700hrs - 2300hrs

Sunday 0900hrs- 1800hrs.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy.



22. Prior to the commencement of building works above ground of the relevant part of the development, full details of any internal and external plant equipment, including building services plant, ventilation and filtration equipment, shall be submitted to and approved in writing by the Local Planning Authority. All flues, ducting and other equipment shall be installed in accordance with the approved details prior to the use commencing on site and shall thereafter be maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy.

23. 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, 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

24. 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

25. Reporting of Unexpected Contamination: 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 23, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 23, 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 23.

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.

26. No development shall take place following the demolition of the existing buildings, unless authorised by the Planning Authority, until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work (which may take place over a number of phases) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. The development shall only be implemented in accordance with the approved scheme.

Reason: To ensure the protection of any non-designated heritage assets.

27. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and the plan numbers listed below unless the Local Planning Authority otherwise first agrees in writing.

**List of approved plans:**

<u>Received</u>	<u>Plan Reference</u>
31 Mar 2021	180935-1000 Rev P1
31 Mar 2021	180935-1301 Rev P2
31 Mar 2021	180935-1302 Rev P3
31 Mar 2021	180935-1303 Rev P1
18 Aug 2021	180935-1310 Rev P1
25 Nov 2022	180935-1300 Rev P4
25 Nov 2022	180935-1400 Rev P2

Reason: To ensure that the development is carried out in accordance with the details considered by the Local Planning Authority.

## **APPENDIX A: Consultation Responses and Representations**

### Councillor Comments:

Cllr Jonathan Waters:  
Received: 8<sup>th</sup> June 2021

I would like to request that the application be called in to the Planning Committee for decision if the Officers recommendation is for permission. I am concerned about the highways issues due to the significant increase in traffic from the current use, potential for light pollution to neighbouring residential properties, and design.

### Amersham Town Council Comments Received:

21<sup>st</sup> May 2021

Members raised no objection to the application in principle, subject to the following -

- Highways, traffic and parking constraints are adhered to.
- Sufficient access for buses and addition of a zebra crossing across the A355 for public safety.
- Making the site as green as possible by including more electric car charging points.
- 24-hour security.
- Concerns over light pollution were also raised, particularly for residents in Washington Row.

### Consultation Responses

Highways Development Management: 11<sup>th</sup> January 2023

I write further to my comments dated 19<sup>th</sup> January 2022 in which I had no objection to the proposals subject to conditions and s106 obligations. Since these comments, the applicant has submitted amended plans in order to address concerns raised by other consultees.

Having reviewed the amended plans, I note that some parking spaces to the east of the site have been moved slightly to allow for a drainage channel. I am satisfied that no parking spaces have been lost as a result and sufficient manoeuvring space remains within the site.

Mindful of the above, I have no objection to the proposed development, subject to the conditions and s106 obligations as stated on my previous response.

**Highways Development Management: 19<sup>th</sup> January 2022**

I write further to my comments dated 31<sup>st</sup> August 2021 in which I requested amended plans/additional information regarding the proposed pedestrian crossing, level of parking provided and the traffic impact for the Saturday peak. The applicant has now aimed to address these concerns which I will review within this response.

These comments shall be read in conjunction with my aforementioned previous responses for this application.

### Pedestrian Crossing

I write further to my comments dated 31<sup>st</sup> August 2021 in which I requested amended plans/additional information regarding the proposed pedestrian crossing, level of parking provided and the traffic impact for the Saturday peak. The applicant has now aimed to address these concerns which I will review within this response. These comments shall be read in conjunction with my aforementioned previous responses for this application.

In addition, an informal dropped kerb crossing point has been proposed between the site and the existing bus stop which is on the desire line for pedestrians trying to access the eastbound bus stop. The suggestion to include a pedestrian island as well was originally proposed by the highway authority in this location; however, this would not be possible as it would be located opposite the access point and restrict the movement of delivery vehicles when egressing the site. Therefore, it was concluded that just the informal crossing was most appropriate and would serve as a sufficient crossing facility at this point.

It is also recognised that the applicant is proposing a zebra crossing facility further along the road. I am therefore satisfied that the pedestrian crossing arrangements are now suitable.

### Parking

Within my previous assessment of the parking data submitted, it was requested why ALDI stores within Buckinghamshire were not included within the parking surveys. It has now been made apparent that not all local ALDI stores benefit from parking survey data which is regularly collected. However, parking data from 2 other ALDI sites have been submitted that are relatively comparable to the proposed site by way of town size and store size. Therefore, we have accepted these surveys as appropriate to support the parking assessment.

Having assessed all parking surveys submitted, it does appear that full capacity of Aldi car parks are reached and is limited to weekends at peak hours (approximately 12:00 – 16:00) Therefore, it is acknowledged that peak car park demand is likely to occur outside of weekday peak hours where the traffic flows on the network are lower. It has been demonstrated that the number of spaces is sufficient to cater for the likely demand, albeit the car park is likely to reach capacity at these weekend peaks.

Should a situation occur on the weekend peak when the demand is greater than the capacity, it can be expected that the high turnover of spaces will limit the time period of any occurrences of insufficient capacity. The proposed car park provides a good amount of stacking space due to the width of the entrance and the length of access before parking spaces are reached. In addition, the proposed layout of the site would allow vehicles to safely enter the site, look for a parking space and turn within the site and exit safely even if the parking was at full capacity.

Furthermore, I am satisfied that the local highway in the vicinity of the site benefits from parking restrictions in the form of double yellow lines which would prevent the overspill of parking onto the highway.

In light of the above considerations, I do not consider the level of parking proposed is likely to create a detriment to highway safety or convenience in line with the NPPF and therefore the Highway Authority recommends the parking arrangements are sufficient.

### Traffic Impact

Given the expected high levels of flows on weekends as demonstrated within the previously submitted parking surveys, it was requested that additional modelling of the right-hand turn lane was carried out for these peak periods to ensure the movements could be safely accommodated.

Traffic flow data on the network was not available for weekends; therefore, it was agreed that the applicant should use the expected weekend trip generation against traffic flow data obtained between 3pm and 4pm on weekdays, as this was considered a 'secondary' network peak and most comparable to traffic levels on the weekend. This additional assessment has been included within Technical Note 2.

Having reviewed the additional modelling submitted, I am satisfied that the junctions will continue

to operate within practical capacity and the movements can therefore be safely accommodated onto the local highway network within all expected peak periods.

### Sustainability

Within my first response, it was noted that the existing bus stops on London Road West will need to be upgraded which will be secured within the S106 agreement. Having consulted our passenger transport team on this, they required that both stops have a minimum kerb height of 125mm, but ideally 140mm, and both marked as bus stop Clearways with RTPi displays (battery powered so no power required).

In order to carry out the above works, the kerb upstands and bus stop Clearways can be included within the S278 offsite works funded by the applicant. In addition, a sum of £15500 is required for the provision of RTPi displays. These upgrades have been secured below.

Conclusion: Mindful of the above, the Highway Authority does not object subject to the obligations and conditions being included on any planning consent you may grant.

### **Highways Development Management: 31<sup>st</sup> August 2021**

I write further to my comments dated the 29th June 2021 in which I requested additional information which the applicant has now aimed to address. These comments should be read in conjunction with my aforementioned previous comments for this application.

It has been confirmed that the hours assessed were 8am – 9am for the AM peak and 5pm – 6pm for the PM peak as indicated by the traffic surveys. I am satisfied that this is appropriate for the assessment of the application.

Typical shift patterns have been stated within the additional documents which has been based on other ALDI stores. I am satisfied that the staff movements are likely to occur outside of the stated network peak hours and will not therefore affect the traffic impact on the local highway network.

As requested, the applicant has obtained the most up-to-date traffic flow data to provide a comparison with the assessment carried out using the 2016 data. Following a review of the data sets, it appears that the 2019 baseline data is similar, and I am therefore satisfied that the assessment previously made using the 2016 data is sufficient. For clarity, I am satisfied that the junctions would function significantly below capacity within all scenarios with a maximum RFC of 0.25 within the PM peak and I can confirm that the expected vehicular movements can be safely accommodated onto the local highway network.

The names of areas used within the census data have now been clarified. As a result of this, I can confirm that the estimated distribution trips from these areas based on the population- distance gravity model are reasonable.

The reasoning behind the proposed extended right-hand turn lane and a road layout comparison was requested within my previous response. It has been stated that the extended right-hand turn lane combines the existing two which have also been widened to better cater for turning movements, especially delivery HGVs. Whilst I can confirm that this is appropriate for the proposed site, the new road layout and pedestrian crossing appears to have been placed in the location of an existing access on the opposing side of the carriageway, serving no. 49 London Road

West, which would result in a conflict between pedestrians and vehicles. In order to minimise risk to pedestrians using this crossing, it is recommended that permission is sought from the landowner of the vehicular access to reduce the width of their dropped kerb which would better facilitate the crossing. In addition, measures will need to be taken to ensure vehicles don't run over the tactile paving to access no. 49, for example through the imposition of carefully placed bollards. Once permission has been sought, additional detailed plans will need to be submitted for the proposed highway works. Should the landowner not permit the alterations to the existing access, an alternative suitable location will need to be provided for the pedestrian crossing.

With regards to the proposed parking provision, the applicant has provided additional information regarding the current parking for other ALDI sites to justify the shortfall in the parking proposed within the current application. Parking accumulations were carried out every hour across a 14-day period from the 21st June to 4th July at three separate sites within Chipping Norton, Banbury and Didcot. The reasoning behind the selection of these specific stores has not been provided given that there are approximately 10 ALDI stores operating within Buckinghamshire. It appears the proposed site has a parking to sqm ratio lower than both Banbury and Didcot but most similar to Chipping Norton which experienced above 90% capacity on 7 separate occasions, which suggests the car park is fully occupied. Given the results from the small number of parking surveys and the number of existing stores within Buckinghamshire, it is requested that further parking accumulation surveys are carried out at other stores to increase the sample size, including from those within Buckinghamshire, to provide confidence that the level of parking proposed is suitable.

In addition, having carried out a further assessment of this parking survey, it appears that the highest levels of parking occur between 11:00 and 16:00 on weekends. This higher level of parking demand and thus trip generation creates concerns that vehicles may queue to enter the site which could lead to backing up on the highway outside of the designated right-hand turn lane. The impact of this expected weekend development peak on the adjoining highway was not assessed within the original TA as this only covered the weekday network peak hours. As such, in order to provide a robust assessment of the application, it is also requested that the right-hand turn lane is modelled at the peak development times on a Saturday/Sunday.

Having re-assessed the parking layout since my aforementioned previous response, it has now been realised that the proposed parking spaces fall short of the updated dimensions as set out within the Buckinghamshire Countywide Parking Guidance of 5.0m x 2.8m, which was adopted within this area in April 2021. We expect to see new car parks designed in line with the adopted policy. The parking layout therefore needs to be reviewed to maximise provision that meets these dimensions.

Mindful of the above, I request additional information regarding the proposed pedestrian crossing and parking provision/layout before I am able to finalise my comments.

### **Highways Development Management: 29<sup>th</sup> June 2021**

#### Introduction

London Road West, known as the A355, is subject to a 30mph speed limit. This application seeks permission for the demolition of the existing 2573sqm car showroom and erection of a 1998sqm discounted food store with associated access and parking.

The local highway benefits from parking restrictions in the form of double yellow lines directly outside the site which extend to the Station Road/London Road West mini roundabout to the west of the site and the London Road West/A413/A404 roundabout to the east of the site.

### Trip Generation

In terms of trip generation, having carried out my own assessment using the TRICS® database and comparing this to the assessment carried out by the applicants' transport consultant, I am satisfied with the results produced within the submitted Transport Assessment (TA).

As set out within the TA, it is expected that the proposed development would generate an additional 52 movements in the AM peak and an additional 158 movements in the PM peak. Within my TRICS® assessment, the AM peak was classified as 8am – 9am and PM peak was 5pm – 6pm. The applicant should also clarify what they consider the peak hours based on the existing traffic flows as this has not been stated within the TA.

It is noted that between 30-50 staff are to be employed (27 FTE). In order to provide a robust assessment of the expected trip generation, it is also required that details are provided as to the shift patterns and the expected number of staff employed for each shift so this can be included within the calculations. This would also be beneficial to calculate the number of parking spaces required for staff given the maximum number on site at any one time.

### Traffic Distribution and Impact

It is noted that existing traffic data has been used as a baseline for the assessment of traffic distribution as a result of the applicant being unable to conduct their own surveys due to the COVID-19 pandemic. I am satisfied that the data for the east of the site is acceptable as this has been collected within the past 3 years, however, the data used for the west of the site was collected some 5 years ago. Transport for Buckinghamshire hold updated data for this location which was collected in 2019 and can be obtained at a cost from Simon Vale (Simon.Vale@buckinghamshire.gov.uk). It is therefore requested that the applicant obtain this data and do a comparison exercise with the data from 2016 to identify any areas of change.

Should significant differences be discovered, it would be appropriate for the applicant to re-assess the traffic distribution of the site. Notwithstanding the above, I have made an assessment of the expected traffic distribution from the proposed development. However, it should be noted that this could change subject to the retrieval of updated traffic data. Figure

5.1 demonstrates the expected trade draw from nearby areas into the site. It is accepted that not all movements to the site will be new to the highway network and a proportion of the movements will be pass-by or diverted trips, as defined within the TA.

The applicant has used census data to calculate the expected distributions based on population numbers and journey times. Whilst this approach is accepted, the data provided within Appendix F is unclear as the names of each area within the census data have not been provided. This should therefore be clarified so I am able to ensure the data is correct.

Analysis has been undertaken using Junctions 10 for 2022 (baseline + development) and 2027 (baseline + development) to assess the impact upon the T-junction when turning into and out of the site during the AM and PM network peaks. The Highway Authority is particularly interested in whether the proposed development would result in disruption on London Road West whilst vehicles are waiting to turn right into the site. For reference, a junction is considered to exceed

practical capacity when the ratio to flow capacity (RFC) exceeds 0.85 (85%). Theoretical capacity is reached when the RFC is 1 or above (100%).

RFC is a measure of the volume of traffic, which is making a turning movement at the junction, compared to the capacity that the junction is physically able to accommodate.

Having assessed the results of the assessment and subject to the review of the baseline data, I am satisfied that the junctions would function significantly below capacity within all scenarios with a maximum RFC of 0.25 within the PM peak.

A percentage impact assessment has also been provided for the two roundabouts to the west of the site along London Road West. Having assessed this against the net trips for the development, the additional movements travelling through the junctions are considered negligible and would not result in a significant impact on the highway network.

Therefore, I can confirm that the expected vehicular movements can be safely accommodated onto the local highway network.

The right-hand turn lane is proposed to be extended in the proposed highway layout plan. In light of the above network assessments, please can the rationale behind this be justified? It is expected Saturday peak time development trips will be higher and so a longer right-hand turn lane could be justified, however, we expect the applicant to provide the evidence for this.

#### Access and parking

The existing site benefits from two accesses onto the local highway network. The applicant is proposing to close off the existing western access to enable all movements to occur from the existing eastern access which will be slightly amended to facilitate these movements. Having assessed this access, I am satisfied that full visibility can be achieved entirely within the highway extents and this access is therefore safe and suitable to serve the site.

The closing of the western access has resulted in the applicant proposing to extend the existing right- turn lane into the site. Having reviewed the proposed road layout, it is unclear how the proposed extension and proposed pedestrian crossing would impact upon the existing accesses on the northern side of the carriageway which also benefit from a right-turn lane. It would therefore be beneficial for the applicant to submit a plan of the existing road layout with the proposed alterations laid on top to allow for a direct comparison.

The applicant is proposing to extend the existing pedestrian footway on the southern side of the carriageway across the site and to the adjacent bus stop to the east of the site in order to improve accessibility. I am satisfied that this is appropriate to serve the site.

A swept path analysis has been provided for HGV delivery vehicles accessing and egressing the site as well as manoeuvring within the site. Having assessed this, it does appear vehicles may need to overrun the opposing side of the carriageway when turning left out of the site. Whilst this is not ideal, it is my understanding that the existing site receives regular deliveries from HGV's and there have been no accidents recorded on the highway network as a consequence of this manoeuvre. Therefore, I do not consider I could reasonably object to this arrangement.

In line with the Buckinghamshire Countywide Parking Guidance, 143 parking spaces should be provided within the site. Having assessed the submitted plans, a total of 101 parking spaces are to be provided which includes disabled and electric vehicle charging points. The applicant has aimed to justify this shortfall in parking spaces within paragraph 3.5.6 stating that the level of provision



has been based on local experience at other nearby ALDI stores. Whilst this approach may be acceptable, supporting evidence of this has not been provided, such as the submission of parking accumulation surveys carried out at comparable sites. In addition, it has not been stated whether staff parking has been included within this number and whether this would be segregated from customer parking. It is considered that adequate levels of parking should be provided for this site as it would be inappropriate for parking to take place on the highway network in the vicinity of the site. Additional information regarding the suitability of the proposed parking should therefore be submitted.

Having assessed the site layout, I can confirm that the spaces proposed are of adequate dimensions and would allow all vehicles to park, manoeuvre safely and egress the site in a forward gear.

### Sustainability

When assessing the sustainability of the site, it is noted that two bus stops are located within 60m east of the site on both sides of the carriageway. These run a number of services including a regular service between High Wycombe and Hemel Hempstead via Chesham. In order to provide better access to these bus stops, as aforementioned, the applicant is proposing to extend the existing footway on the southern side of the carriageway, past the site access to the bus stop. In addition, an uncontrolled dropped kerb crossing point is proposed to the east of the site access. Whilst this will improve the accessibility of the bus stops, it is also considered that the bus stops should be upgraded which can be dealt with through appropriate S106 contributions. I am in dialogue with our passenger transport colleagues and will confirm the exact contribution required within the S106 in due course. I am satisfied that the extended footway, crossing point and upgraded bus stops will help to encourage the use of public transport to the site.

An additional pedestrian crossing point is proposed to the west of the site access which includes an island between the two right-turn lanes. When assessing the proposed road layout, it appears the proposed crossing conflicts with the existing access on the northern side of the carriageway. Therefore, it is required that the comparison between the existing and proposed road layout is submitted, as previously mentioned. The implementation of a pedestrian crossing point to the west of the site will however increase accessibility to the residential areas to the north of the site, predominantly off Station Road. Whilst it is considered only a small number of customers will access the site on foot given the proposed use, it is important that the site is within a sustainable location to allow for this option to be available to both customers and staff members.

Similarly, it is not anticipated that many customers will cycle to the site, especially when undertaking a large food shop, developments however should ensure sustainable travel opportunities are maximised. In line with this sheltered customer cycle parking is to be provided which I am satisfied is in a suitable location. Staff cycle parking is to be provided within the internal warehouse which I can confirm is also a suitable arrangement.

The applicant has submitted a draft staff travel plan with the aim to reduce single occupancy vehicle trips to and from the site through a number of measures. I am satisfied that a final detailed travel plan can be conditioned, and a £5000 financial contribution will need to be secured through a S106 Agreement for the monitoring of this plan.

Conclusion:

Mindful of the above, I require the submission of additional information which include the following

before I am able to finalise my comments for this application:

- Clarification of the AM and PM peaks
- Expected shift patterns and number of staff per shift
- Assessment of updated traffic data
- Clarification of the census ward data
- Justification of extended right-hand turn lane
- Existing road layout vs proposed road layout
- Justification for parking provision and staff parking arrangements

### **Ecology: 23<sup>rd</sup> February 2024**

No objections, subject to conditions

Following our previous comments dated 15th December 2023, an updated Biodiversity Metric 4.0 (Five Rivers Environmental, 26 October 2023) and a document titled 'Aldi BNG Query Responses' addressing our queries were submitted.

The information provided is satisfactory and we would like to withdraw our objection to the proposal. According to the revised metric the proposed development is likely to result in a net gain of river units of 12.84%.

To ensure the habitat creation/enhancement and river enhancement and long-term management of the site I would recommend that a Landscape and Ecological Management Plan (LEMP) is submitted and secured via a condition to any approval granted.

An additional condition relating to waste management should be attached to any approval granted, but the LEMP should also address littering in the long-term management measures (littering in River Misbourne).

As we previously stated a Construction Environmental Management Plan (CEMP) will be required to proceed with the proposed works.

The CEMP should include the following details in accordance with the British Standard on Biodiversity BS 42020:2013:

#### Proposed Ecological Impacts

- Details of what biodiversity features could be impacted (in that phase) and what development activities could be potentially damaging.

#### Timetables

- A rolling timetable of when and where specific measures to avoid / reduce impacts are to be carried out including any seasonal or legal implications (e.g. the bird nesting season) and who is responsible.
- The nature of the pre-commencement ecological checks / surveys required and details of the results of these surveys once they have been undertaken (for our approval).

#### Avoidance and Mitigation Measures

- Details of method statements for specific biodiversity issues (e.g. for specific destructive activities such as: vegetation clearance, hedgerow removal, tree felling, soil stripping and building demolition).
- Identify all practical measures (e.g. fencing, protective barriers and warning signs) and sensitive working practices to avoid impacts.

- Specifically state the agreed buffer zones relevant to each phase.
- Details of inspections to ensure wildlife do not become trapped in excavations or machinery.

#### On-site Personnel & Training

- The role and responsibility of the on-site Ecological Clerk of Works (ECOW) in each phase should be clearly stated including which works require supervision by the ECOW in relation to the current timetable for that phase.
- Evidence that an ECOW has been appointed for each phase and has an appropriate level of experience.
- Details of other responsible person and lines of communication on-site in relation to the implementation of the CEMP.
- Details of any awareness training of on-site non-ecological personnel such as tool box talks provided by the ECOW.
- Who will be responsible for erection and maintenance of on-site fencing, protective barriers and warning signs.
- Who is responsible for compliance with regulations, legal consents, planning conditions, environmental procedures and contractual agreements and the issuing of periodic reports on success and compliance. These periodic reports should feedback into the CEMP for the subsequent phase and ensure the results of this regular review are effectively communicated to on-site staff.

#### Monitoring, Compliance, Contingency and Emergency Measures

- Details of contingency measures in the event of an accident or other potentially damaging incident (e.g. pollution incidents; how to deal with previously unrecorded protected species found during construction and restoration, unexpected bad weather, repair of damaged features etc.)
- Details of procedures to avoid pollution incidents (e.g. from fuel spills and site run-off based on an understanding of the wildlife interest at risk).
- Regular review of the implementation of CEMP throughout the construction / restoration phase to monitor effectiveness of mitigation measures and compliance with legal, planning and/or contractual requirements.
- Details of biosecurity protocols / method statements to prevent spread of non-native species between sites.
- Temporary management of existing wildlife features during construction / implementation.
- Ensure copies of all ecological reports relevant to site works, relevant planning conditions and any protected species licences are kept in the site office and are available to refer to at any time.

I would recommend that the CEMP is secured via a condition to any approval granted. As the proposed development may impact on bats foraging and commuting along River

Misbourne a lighting design for light-sensitive biodiversity should be submitted and secured via a condition to any approval granted.

Artificial lighting needs to be designed in accordance with the 'Guidance Note 08/23: Bats and artificial lighting in the UK' (Institute of Lighting Professionals, 2023).

Ecology: 15<sup>th</sup> December 2023

I viewed the Biodiversity Net Gain Report: River Misbourne (Five Rivers, 04/12/2023) and the Biodiversity Metric 4.0 (Five Rivers, 26/10/2023) submitted in support of application PL/21/1309/FA - 44 London Road West, Amersham.

It is understood that through the creation of brush beams, gravel riffles and vegetation management the condition of the on-site River Misbourne is predicted to be enhanced from 'moderate' to 'fairly good'. However, as per our previous comments (dated 10th January 2023) increased levels of litter should be considered in the post-development condition assessment. Introducing litter into a chalk stream (a NERC Act Section 41 Habitat of Principal Importance - Priority Habitat) should not be underestimated given that the proposal involves a supermarket immediately adjacent to the river. The Biodiversity Net Gain Report: River Misbourne does not make reference to this or how litter will be managed long-term.

In addition, it appears that as separate biodiversity metrics for habitat/hedgerow and river were produced there is some inconsistency in the proposed habitat plans with a habitat plan where all the existing trees and bankside vegetation will be retained (apart from non-native species to be removed) and with a river habitat plan where there is selective clearance of the bankside trees/vegetation (see Tyler Grange Biodiversity Net Gain Assessment (31st May 2022) Drawing number 13780\_P05 and Five Rivers plan Appendix 1: Concept Design - Option 1 ). It is stated in the Five Rivers report: 'Selective tree works and vegetation clearance will remove portions of dense canopy, allowing light to reach the semi-bare banks and channel'. Although it is understood that this can be an enhancement for the river, it is difficult to assess what the final score of net gain in habitat units will be if larger habitat areas will be removed than initially estimated (as illustrated in the Five Rivers plan Appendix 1).

I would recommend further information is provided regarding the points above prior to determination of the application. Ideally a single revised biodiversity metric should have been submitted so the net gain is clear in all three elements of the metric.

### **Ecology: 23 November 2021**

Objection, further information required.

The scheme will need to demonstrate that a net gain in biodiversity will be achieved within the development plans in line with the NPPF (2021). A Biodiversity Metric calculation should be undertaken to quantify habitat losses and inform appropriate levels of mitigation in order for the proposals to deliver a 10% net gain for biodiversity. This should be submitted for approval prior to determination to inform decision making.

Providing the biodiversity metric can demonstrate net gains for biodiversity, planning conditions will be required to ensure that protected species and sensitive ecological receptors are protected and enhanced through the construction and operational phases of the development.

- Additional information has been submitted in support of the application following our previous comments (9 June 2021) including an Ecological Impact Assessment report (27 August 2021, Tyler Grange) and Watercourse Landscaping Plan (Drwg 1809350-1310 Rev P1). The report follows the Preliminary Ecological Appraisal report previously submitted (12 February 2021, Tyler Grange).
- The updated EclA report details the results of a bat emergence survey of the former car showroom building and an updated extended Phase 1 habitat survey undertaken on 4 August 2021.
- A bat emergence survey of the existing building was carried out on 4 August 2021 in suitable

weather conditions. No bats were seen emerging from the building during the survey. As such the proposed demolition work is not expected to have any impact on a bat roost.

- However, as bats can be found in buildings when no evidence has previously been found, we recommend that standard precautionary measures are taken and detailed within a Construction Environmental Management Plan (CEMP). If the proposed demolition work has not taken place within 12 months, an updated bat survey may be required in line with the recommendations of the report.
- There is suitable nesting bird habitat present including existing trees, shrub and the existing building.
- The area adjacent to the River Misbourne which was previously classified as amenity grassland was reclassified to tall ruderal vegetation. Species present included creeping thistle, yarrow, ivy and ragwort. Ornamental planting was present including non-native species such as cotoneaster sp. A mature willow tree was present within the north eastern corner of the site.
- Potential impacts arising from the development include potential for pollution of the river within the construction phase. Other potential impacts include impacts of proposed external lighting scheme on bat foraging/commuting. Mitigation measures outlined in table 3.1 include the design of a sensitive external lighting scheme for bats (during construction and within the development) and implementation of standard pollution prevention methods during construction. Full details of mitigation measures will be required to be submitted prior to any site clearance works commencing and detailed in a CEMP. A Landscape and Ecological Management Plan (LEMP) will also be required to detail habitat creation, management and enhancement measures within the design of the development. Appropriately located bird and bat boxes should be included within the LEMP.
- The report states that the proposals include native planting of trees and enhancement of the habitats along the River Misbourne, which is within the Central Chilterns Chalk Rivers Biodiversity Opportunity Area (BOA). The River Misbourne reaches the criteria of a UK
- Habitat of Principal Importance listed under the NERC Act Section 41.

#### Biodiversity Net Gain

- The scheme will need to demonstrate that a net gain in biodiversity will be achieved within the development plans in line with the NPPF (2021). Some habitat creation and enhancement recommendations have been made in the updated EclA, however these will need to be demonstrated as part of the application (e.g. on the proposed landscaping plans or an updated Site Layout Plan) as it is not clear if a 10% biodiversity net gain will be achieved within the plans, in line with emerging local policy and the Environment Act (2021).
- Calculations demonstrating a 10% net gain must be provided through the use of a biodiversity metric calculator and submitted for approval prior to determination. For further information please see the Biodiversity Net Gain guidance below.
- The EclA report makes recommendations for native shrub planting around the river edges to provide a natural buffer strip. The Watercourse Landscaping Plan shows soft landscaping which is slightly larger in area than the existing habitat south of the river, but details of the species and habitat management proposed will need to be clarified on the proposed landscaping plans or Site Layout Plan, in line with Chiltern District Policy GC12.
- Habitat enhancements on-site should include enhancement of habitats along the River Misbourne, and other habitat creation measures could include a planting mixed native boundary hedgerows rather than a close boarded fence, and incorporation of a green roof on the new building. This will improve opportunities for biodiversity and provide food and shelter for invertebrates, birds, hedgehogs and other wildlife.
- Creation of a natural buffer zone of at least 8m from the river bank within the proposed layout

is recommended if possible to do so within the design of the layout. Buffer zones to rivers are recommended to improve ecological quality of the river and reduce run-off.

- If it is not possible to demonstrate a biodiversity net gain on-site, an off-site biodiversity offsetting scheme should be secured via a suitable planning condition/obligation, in line with the emerging Biodiversity Supplementary Planning Document (SPD).
- Providing the biodiversity metric can demonstrate net gains for biodiversity, planning conditions will be required to ensure that protected species and sensitive ecological receptors are protected and enhanced through the construction and operational phases of the development. Draft conditions could include those listed below.

### **Ecology: 9<sup>th</sup> June 2021**

#### Further Information Required

The application is supported by a Preliminary Ecological Appraisal (PEA) and a Preliminary Roost Assessment (PRA) (Tyler Grange, 21<sup>st</sup> February 2021).

A minimum of one Bat activity survey and a detailed habitat assessment of the area nearest the River Misbourne are required. Both surveys must be carried out prior to determination and will be accompanied by appropriate mitigation and recommendations in the report.

The application site falls within the Central Chilterns Chalk Rivers Biodiversity Opportunity Area. Buckinghamshire's Biodiversity Opportunity Areas (BOAs) identify habitat creation and restoration priorities for different parts of the county using a targeted landscape-scale approach. Development proposed within, or adjacent to a BOA is required to identify constraints and opportunities for biodiversity enhancement. The design and layout of the development should help achieve the aims of the BOA and development which would prevent the aims of a BOA from being achieved will not be permitted. A biodiversity survey and report needs to be provided prior to determination of the application to demonstrate the enhancements required.

For the section of the river which passes through the site an updated survey needs to be undertaken in an optimal time of the year to establish which plants are within the boundary and make recommendations for an appropriate buffer of native species planting to enhance and protect the section from activity on site.

It is considered that there is a reasonable likelihood of protected species (bats) being affected by this development. Protected species are a material consideration of the planning process and it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted (ODPM, 2005/06). Therefore, further surveys are required prior to determination in order to establish the presence or otherwise of bat roosts and the requirement for a Protected Species mitigation licence from Natural England.

The results of the bat activity survey(s), together with an appropriate bat mitigation plan, if needed, must be submitted to the local planning authority for approval.

The River Misbourne falls within the Central Chilterns Chalk Rivers Biodiversity Opportunity Area. Further details are required to show how the development will achieve the aims of the BOA.

The results of the detailed habitat survey, together with an appropriate native species buffer planting plan, must be submitted to the local planning authority for approval. The Site Layout as

Proposed Drawing No 180935-1300 P2 shows four proposed trees. The species are not specified. No other landscape proposals appear to be submitted. We would recommend that the applicant demonstrates an increase in opportunities for biodiversity on the site in line with NPPF (2019) and Policy GC4 of the Adopted Local Plan and preferably a hedged boundary rather than a close boarded fence. This will improve opportunities for biodiversity at the edges of the site, provide a safer commuting corridor for wildlife and provide food and shelter for invertebrates, birds, hedgehogs and other wildlife. Details of ecological enhancement measures and safeguarding of protected habitats and species can be secured via a suitably worded planning conditions when further information is submitted.

#### **Buckinghamshire Council as the Lead Local Flood Authority: 17<sup>th</sup> January 2024**

Further to the meeting between the applicant design team and representatives from JBA Consulting on behalf of the Lead Local Flood Authority dated 7th Nov 2023, Buckinghamshire Council, as the Lead Local Flood Authority (LLFA) has reviewed the information provided in the following documents:

- Surface Water Conveyance Technical Note 4 (11862w0010a, 11.12.2023, Craddys)
- Surface Water Conveyance Technical Note 3 (11862w0009a, 01.09.2023, Craddys)
- Surface Water Conveyance Technical Note 2 (11862w0007a, 23.03.2023, Craddys)
- Surface Water Conveyance Technical Note (11862w0006a, 24.11.2022, Craddys)
- Flood Risk Sequential Test (11862w0004a, 03.11.2022, Craddys)
- Response to LLFA Comments 2 (11862w0005, 08.03.2022, Craddys)
- Technical Note on Flood Modelling Exercise in Response to LLFA Comments (11862w0003, 17<sup>th</sup> November 2021, Craddys)
- Response to LLFA Comments (11862w0004, 17th November 2021, Craddys)
- Former Jaguar Garage, London Road West, Amersham – Sheet 4 of 4 (05/20 Revision B, 09/11/2021, Berry Geomatics)
- Former Jaguar Garage, London Road West, Amersham – Sheet 2 of 2 (05/20 Revision B, 09/11/2021, Berry Geomatics)
- Flood Risk Assessment and Drainage Strategy (11862w0002b, August 2021, Craddys)
- Response to Environment Agency and LLFA Comments (4504N, 18th August 2021, Planning Potential)
- Design and Access Statement (180935-925, March 2021, Kendall Kingscott)

The LLFA can now confirm it has no objection to the proposed development subject to planning conditions being placed on any planning approval for the detailed design regarding the following matters:

- Surface Water Flood Risk Mitigation (Provision of conveyance culverts beneath the proposed building to replicate existing surface water overland flow routes);
- Surface Water Drainage Scheme; and
- Surface Water Drainage Maintenance Plan (to include all components of the pumped on-site drainage system in addition to the conveyance culverts located beneath the building, grated open channels and the outfall structure plus associated flap valves/non return valves etc...)

#### **Flood Risk**

Based on the various assessments and technical notes submitted by the Applicant, as listed above, it has been shown that the proposed development site is located within an area at risk of both fluvial and pluvial sources of flooding that have complex interactions, which have implications on the design of required flood mitigation measures required to ensure the site is safe in flood risk terms over the lifetime of the development.

In terms of fluvial flood risks associated with the River Misbourne (designated as Main River), under the Floods and Water Management Act 2010, the EA are the relevant authority responsible for this form of flooding. Therefore, the LLFA defers to the Environment Agency in regard to the adequacy of the mitigation measures proposed for the management of fluvial flooding impacts.

The following LLFA response specifically focuses on the details submitted in regard to the operational performance of the surface water drainage scheme and the surface water flood risk mitigation measures included within the scheme to ensure that any increase in surface water flood risk both on site or off-site are appropriately managed over the lifetime of the scheme in accordance with requirements paragraph 173 and 175 of the National Planning Policy Framework(NPPF) (December 2023).

### Surface Water Flood Risk

The Risk of Flooding from Surface Water (RoFSW) provided by the Environment Agency shows that the site lies in an area at risk from surface water flooding during low, medium and high-risk scenarios. An online version of this mapping data is available to view through the Environment Agency's Long term flood risk information mapping.

In order to provide site specific details for the assessment of surface water flood risks both to, and from the development in line with the requirements of NPPF (Dec 2023) Paragraph 173, the applicant undertook 1D-2D TUFLOW surface water flood modelling. Refer to Craddy's Doc. Ref. 11862w0003 (dated 17/11/21), 11862w0004 (dated 17/11/21) and 11862w0005 (08/03/22).

Following the LLFA's review of submitted details in regard to the model build, assumed input data and outputs from the pre and post development (unmitigated) surface water flood modelling, concerns were raised in regard to the predicted increases in flood depths off-site, as outlined within the response dated 28th April 2022, which is contrary to paragraph 173 ad 175 of the NPPF (Dec 2023).

Subsequently, the applicant submitted further details in the form of a Surface Water Conveyance Technical Note (Craddy Doc. Ref. 11862w0006a, dated 24/11/22). This submission outlined the surface water flooding mitigation proposals developed and tested using an updated version of the TUFLOW 1D-2D model previously developed.

The proposed surface water mitigation scheme, as presented within the above referenced technical note, consists of the installation of a series of parallel conveyance culverts (2m wide x 0.5m high) beneath the proposed Aldi Store building, designed to maintain existing surface water overland flow routes from the north west of the site to the eastern car parking area, and the surrounding area to the east towards the River Misbourne as per the current situation.

The three proposed conveyance culverts are shown as being linked at the upstream and downstream end by a concrete 'U' channel with open grate covers located along the north western and eastern site boundaries of the site. The modelling results presented indicated that the proposed mitigation resulted in a tangible reduction in surface water flooding in the northwest and northeast of the site.

Indicative details of the proposed surface water flooding mitigation scheme are outlined in Craddy Drawing 11862-CDY-XX-XX-DR-D-Ss\_50\_35\_00-0076-S2-P02 'Overland Surface Water Flows Conveyance Scheme Layout' and Drg.11862-CDY-XX-XX-DR-D-Ss\_50\_35\_00-0076-S2-P02, included



within Appendix B and C of Surface Water Conveyance Technical Note 1 (Doc. Ref. 11862w0006a, dated 24/11/22).

Further to submission of the initial proposals in the technical note listed above, the LLFA response dated 12th January 2023 raised a series of queries and requests for additional information to clarify the modelling approach and the operation of the surface water flooding mitigation scheme. Surface Water Conveyance Technical Note 2 (Doc. Ref.11862w0007a, dated 23/03/23) provided responses to the points raised in the LLFA letter dated 12th January, and included minor amendments to the Surface water flooding mitigation scheme which were included within Appendix C, and referenced as; Craddys Drg. 11862-CDY-XX-XX-DR-D- Ss\_50\_35\_00-0076-S2-P03 'Overland Surface Water Flows Conveyance Scheme Layout' and Drg.11862-CDY-XX-XX-DR-D-Ss\_50\_35\_00-0076-S2-P03 'Overland Surface Water Flows Conveyance Scheme Sections Sheet One' Subsequently, further correspondence has been submitted by the LLFA dated 5th May 2023 and 17<sup>th</sup> October 2023, requesting additional information and clarifications in regard to the design and function of the scheme, as well as the impacts of interactions between fluvial river and surface water flooding sources on the performance and effectiveness of the mitigation proposals. In response to the LLFA letter dated 5th May 2023, Craddys submitted a further Surface Water Conveyance Technical Note 3 (Doc. Ref.11862w0009a, dated 01/09/23) responding to each of the points raised in the LLFA letter, dated 5th May. Subsequent correspondence from the LLFA, dated 17th October 2023, was followed up by a meeting convened on the 7<sup>th</sup> November 2023, attended by the Designer, Agent and LLFA. Craddys Surface Water Technical Note 4 (Doc. Ref. 11862w0010a, dated 11.12.2023) was submitted following the meeting convened on the 7<sup>th</sup> November to address an agreed list of residual actions circulated via email on the 20th November 2023.

The LLFA note that following review of the submitted details, it is now accepted that subject to the implementation of the proposed surface water mitigation scheme, the development should not result in any material increase in flood risk to third parties, in line with the requirements set out within paragraph 173 of the NPPF (Dec 2023). Further detailed design information regarding the surface water flooding mitigation scheme is required, which the LLFA recommend is secured via condition as set out within the section below.

#### Groundwater Flood Risk

The Groundwater Flood Map (Jeremy Benn Associates, 2016), shows the groundwater level in the area of the proposed development to be at within 0.025m of the ground surface for a 1 in 100 year return period. This means that there is a risk of groundwater flooding to both surface and subsurface assets. Groundwater may emerge at significant rates and has the capacity to flow overland and/or pond within any topographic low spots.

As outlined within the FRA, during site investigation works ground water levels were encountered in the majority of borehole locations at depths ranging between 1-1.5mbgl. It is noted that during post SI groundwater level monitoring, the highest recorded groundwater level recorded over the winter period between December 2020 and March 2021 was 0.3m bgl, which indicates that there is a risk of groundwater emergence at surface.

It is noted that the scheme does not include a full basement construction and it is understood that all SuDS features will be installed with impermeable liners to prevent/minimise infiltration. Given the presence of shallow groundwater it is also noted that floatation will also need to be considered within the detailed design of both the drainage design and surface water flood mitigation scheme. However, given that the proposed development will have raised finished floor levels above the 1

in 100 plus climate change event, the impacts of groundwater flooding at the site are not considered to be significant and can be managed over the lifetime of the development.

### Surface water drainage

The proposed approach to the management of surface water runoff from the site is outlined within Section 8 of the submitted FRA (Craddys Doc. ref. 11862w0002b, August 2021).

Given the presence of shallow groundwater encountered across the site, the use of infiltration-based SuDS features has been discounted. The River Misbourne crosses the north eastern portion of the site, and has been identified as an appropriate destination for site run off.

The site is a previously developed brownfield site, which includes significant areas of hardstanding that are noted as being positively drained. Currently there is no discharge directly to the River Misbourne, and given the flood risk issues within the environs of the site, it is proposed to limit post development run off as closely as possible to greenfield rates to ensure there is no increase in flood risk downstream.

Following the application of the ICoP SuDS method, it noted that the greenfield QBAR rate is less than 0.5l/s which is likely due to the permeable nature of the site underlying geology. In order to reduce the risk of blockage the applicant has proposed to limit discharges to 2l/s, which is considered acceptable by the LLFA.

As noted within section 8.7 of the FRA, the site falls in a southerly direction, with the lowest site level located in the southeastern corner. The bed level within the open channel section of the River Misbourne, where it is proposed to locate the site drainage outfall, is 150mm above the lowest site level, which means that an on-site gravity drainage system, provided with appropriate cover to accommodate loading from vehicular traffic, will not be possible.

Therefore, it is proposed that surface water is collected via a below ground positive gravity system to the south of the site, where a private storm pump station will pump the development run off back to the north, with the rising main located just inside the eastern site boundary, to a break chamber upstream of the proposed headwall outfall on the River Misbourne.

The use of a pumped outfall for the on-site drainage system is noted as being the least favoured option from a sustainability/carbon perspective. It is accepted that the applicant has used reasonable endeavours to investigate the viability of delivering a gravity discharge solution to the River Misbourne, which has included assessment of an option of securing an gravity outfall route via third party land. However, given the technical and logistical constraints associated with undertaking works under agreement on third party land, the LLFA accepts that a pumped solution is the only viable option in this instance.

It is proposed to utilise the pump as a flow control, limiting discharge to a restricted rate of 2l/s for all storm events. WinDES calculations included within Appendix F of the FRA (Doc. Ref. 11862w0002b, August 2021) indicate that the attenuation storage required based on proposed restricted discharge rate (2l/s) is approximately 420cu.m for the design 1 in 100 + CC (+40%) storm event.

It is noted that the applicant has considered the utilisation of open attenuation, conveyance Swale features, filter drains and bioretention systems (e.g., tree pits). However, it is cited within the FRA that there is insufficient space within the proposed development to accommodate these types of above ground SuDS features while maintaining an acceptable number of car parking spaces and

vehicle manoeuvring space.

Given the above, the required attenuation volume calculated for the site is provided within below ground modular storage tank with permeable paving included where possible. It is noted that the use of permeable paving has been restricted to areas of the car parking that are unlikely to receive HGV trafficking. It is noted that the use of permeable paving is further constrained by TW requirements in terms of sewer easements, whereby permeable paving will not be acceptable.

Whilst it is acknowledged that the use of a pumped outfall will reduce the impacts of high river levels submerging and restricting discharges from the site, the introduction of a surface water pumping station does introduce residual risks in the event of pump failure and/or blockage given the size of rising main required to limit discharges to the proposed allowable discharge rate of 2l/s.

As noted within the FRA, to minimise the risk of blockage at the pump station, the drainage scheme will incorporate trapped gullies, trapped outlets on linear drainage channels, silt traps and an interceptor/separator, which will assist in removing potential items that could potentially cause a blockage at the pump. It is also noted within the FRA that in order to manage the residual pumping station failure, dual pumps will be provided, operating on a duty and standby basis, thereby allowing for a degree of redundancy in the system in the event of a blockage or failure of one of the pumps. It is also noted that the pumping station will also be fitted with an alarm, that can be linked with the Building Information Management systems.

It is expected that information relating to the maintenance and operation of the pumping station will be included within the drainage and maintenance plan that the LLFA has recommended is secured via condition.

Based on the submitted details, it is accepted by the LLFA that a viable means of managing flood risks from fluvial and pluvial sources of flood risk can be delivered subject to condition(s) being placed on the approval of the application, should this be granted by the LPA.

Buckinghamshire Council as the Lead Local Flood Authority: 5<sup>th</sup> May 2023

The LLFA objects to the proposed development as no further assessment has been undertaken. In accordance with our previous response, further assessment of residual and combined risks, including consideration of interactions with the River Misbourne, need to be considered by the applicant.

#### Surface Water Hydraulic Modelling

Assessment and proposals have been submitted in the first Surface Water Conveyance Technical Note (11862w0006a, 24.11.2022, Craddys). As outlined in the document, the applicant is proposing to install conveyance culverts beneath the proposed building to replicate existing surface water flood risk to the site and surrounding area. However, insufficient assessment has been provided to demonstrate robustness of the proposals. LLFA recommendations are covered in more detail under the Advice to Applicant heading.

As clearly stated in previous responses an increase to flood risk offsite is not acceptable and does not comply with paragraph 167 of the National Planning Policy Framework (2021). It must be demonstrated that the proposed development does not increase flood risk offsite.

#### Additional Comments

The LLFA are unable to provide further comments on this planning application, including on the proposed surface water drainage scheme until the matter of increasing surface water flooding offsite has been resolved.

#### **Buckinghamshire Council as the Lead Local Flood Authority: 12<sup>th</sup> January 2023**

The LLFA objects to the proposed development as the surface water hydraulic modelling shows an increase in flooding offsite. Further assessment of residual and combined risks, including consideration of interactions with the River Misbourne, need to be considered by the applicant.

#### Surface Water Hydraulic Modelling

Additional assessment and proposals have been submitted in the Surface Water Conveyance Technical Note (11862w0006a, 24.11.2022, Craddys). As outlined in the document, the applicant is proposing to install conveyance culverts beneath the proposed building to replicate existing surface water flood risk to the site and surrounding area. However, insufficient assessment has been provided to demonstrate robustness of the proposals. LLFA recommendations are covered in more detail under the Advice to Applicant heading. We also note that the submitted PDF document is blurred and difficult to read in places, particularly the mapping appendices. This needs to be resubmitted in a clear format along with responses to applicant questions. As clearly stated in previous responses an increase to flood risk offsite is not acceptable and does not comply with paragraph 167 of the National Planning Policy Framework (2021). It must be demonstrated that the proposed development does not increase flood risk offsite.

#### Additional Comments

The LLFA are unable to provide further comments on this planning application, including on the proposed surface water drainage scheme until the matter of increasing surface water flooding offsite has been resolved.

#### **Buckinghamshire Council as the Lead Local Flood Authority: 28<sup>th</sup> April 2022**

The LLFA objects to the proposed development as the surface water hydraulic modelling shows an increase in flooding offsite.

#### Surface Water Hydraulic Modelling

As requested, the surface water hydraulic modelling has been updated to provide additional information (Response to LLFA Comments 2, 11862w0005, 08.03.2022, Craddys), however the updated information does not address the LLFAs concerns. Outputs of the modelling exercise show that there is an increase in flood depths to the west of the site, for the 1 in 100 year event an increase in depth of up to 0.1m has been shown. The LLFA have identified the areas at increased risk as a mixture of residential and commercial as well as stretches of London Road West.

Within the Response to LLFA Comments document it is stated 'It is therefore considered that although there may be minor increases in flood depths off-site, these do not have appreciable effect on flood risk off-site', at present the LLFA do not agree with this statement as no evidence has been presented to support this conclusion.

As clearly stated in previous responses an increase to flood risk offsite is not acceptable and does not comply with paragraph 167 of the National Planning Policy Framework (2021). It must be

demonstrated that the proposed development does not increase flood risk offsite.

#### Additional Comments

The LLFA are unable to provide further comments on this planning application, including on the proposed surface water drainage scheme until the matter of increasing surface water flooding offsite has been resolved.

#### **Buckinghamshire Council as the Lead Local Flood Authority: 14<sup>th</sup> January 2022**

The LLFA requests further information prior to the determination of this application. Surface Water

#### Hydraulic Modelling

Following the LLFAs consultee response (dated 30th September 2021), a surface water hydraulic modelling exercise has been undertaken to demonstrate the impact of the proposed development upon the existing surface water flooding. It has been stated that the information presented within the modelling report (Technical Note on Flood Modelling Exercise in Response to LLFA Comments, 11862w0003, 17th November 2021, Craddys) demonstrates that the proposed development will have a negligible off-site impact. The LLFA however are of the opinion that insufficient information has been presented within the technical note to support this conclusion.

#### Catchment Area

The area and extent of the catchment used within the model has not been specified and therefore the LLFA require this information. The area and a map showing the extent of the catchment used for the surface water model must be provided, this is required to ensure that the appropriate catchment has been represented.

#### Manning's n Value

Section 4.8 of the technical note states that a Manning's n value of 0.025 was inputted into the model. The LLFA query the use of only one Manning's n value for the whole of the catchment, as it will not be representative of all land uses. The LLFA requires a justification for this input and the applicant should be aware that the model may have to be re-run with more representative Manning's n values across the catchment.

#### Cell Size

Within section 4.10 of the technical note, it is stated that a cell size of 6m was chosen to reduce the complexity of the model and runtimes. The LLFA have concerns regarding the chosen cell size as a size of 6m will mean that resolution and details will be lost, and the model will not be an accurate representation of the surface water flooding. The cell size is usually influenced by the area of the catchment and the LiDAR used, the technical note does not specify the resolution of the LiDAR data, and this detail is required.

#### Storm Duration

The rainfall data inputted into the model was the 1 in 100 year 60 minute summer storm, no justification has been provided for why this rainfall event was chosen for the model analysis and this is required. It is also not clear if other storm events, such as the 1 in 30 year event were also run, again these details are required.

#### Output Categories

To make it easier to understand the impact of surface water flooding to the site and the

surrounding area, the categories shown for the model outputs need to be broken down. Due to the large variance within the categories, for example 0.301m to 0.9m, it is difficult to understand how the depth of surface water flooding differs between the pre and post development scenarios. The categories shown on the flood depth difference map also need to be broken down, particularly the category shown in red, there is a large difference between a depth increase of 0.101m and 0.766m and showing these values as the same colour may be ambiguous. The LLFA also suggest reviewing the colours used to represent the categories, particularly the grey colour, on the depth difference map.

#### Post Development Surface Water Flooding

The LLFA has concerns with the surface water flooding shown by the model for the post development scenario, the screenshots within Section 6 and Appendix C of the technical note show that there is an increase in surface water flood depth outside of the development site. An increase in surface water flood depth can be seen to the north and east of the site (shown in pink), an increase to flood risk off site is not acceptable and does not comply with paragraph 167 of the National Planning Policy Framework (2021). It must be demonstrated that the proposed development does not increase flood risk offsite.

The model output also shows an increase in surface water flood depths to the access of the site. As discussed above, due to the course nature of the depth categories shown the depth of flooding to the access of the site is not known, the outputs show the flooding could be between 0.301m and 0.9m in depth, with a post development increase of between 0.101m and 0.766m. Therefore, there are access concerns, the depth of the flooding to this area must be provided and the LPA may wish for applicant to demonstrate safe access and egress, more information can be found in the informative below.

#### Additional Comments

The LLFA are also concerned with the cumulative impact if a surface water flooding event and a fluvial flood event coincide at the same time. The LLFA require the applicant to undertake an assessment to demonstrate the impact of this scenario on the proposed site and surrounding areas.

#### Information Required:

- Demonstration that the proposed development will not increase flood risk
- Area and map of catchment used in model
- Justification of Manning's n value
- Resolution of LiDAR data used and justification for using a cell size of 6m
- Justification of rainfall input of 1 in 100 year 60 minute summer storm
- Clarification of other storm events modelled
- Update to the flood depth categories
- Assessment to demonstrate the cumulative impacts of a surface water and fluvial water flood event coinciding on the proposed site and surrounding areas.

#### **Buckinghamshire Council as the Lead Local Flood Authority: 30<sup>th</sup> September 2021**

Buckinghamshire Council as the Lead Local Flood Authority (LLFA) has reviewed the information provided in the following documents:

- Flood Risk Assessment and Drainage Strategy (11862w0002b, August 2021, Craddys)
- Response to Environment Agency and LLFA Comments (4504N, 18th August 2021, Planning Potential)

- Design and Access Statement (180935-925, March 2021, Kendall Kingscott)

The LLFA recommends refusal of the above proposals due to being at risk of flooding from multiple sources and the inadequate assessment of the surface water flood risk within the Flood Risk Assessment.

#### Surface Water Flood Risk

As discussed in the LLFAs previous consultee response (dated 4th June 2021) the Flood Map for Surface Water (FMfSW) provided by the Environment Agency shows that the site lies in an area of high risk of surface water flooding (meaning there is greater than 3.3% likelihood of flooding occurring in a given year) with anticipated depths of up to 0.9m. For the medium surface water flood risk event there are anticipated depths of up to 1.2m and depths of over 1.2m for the whole site are anticipated for the low surface water flood risk event. The mapping shows that surface water flood risk is generated offsite from the north and west and flows through to site to east and south towards the River Misbourne.

The updated Flood Risk Assessment and Drainage Strategy (11862w0002b, August 2021, Craddys) has not adequately addressed the risk of surface water flooding to the site. Section 6 of the flood risk assessment discusses flood compensation; however, this proposed compensation relates only to fluvial flooding, not surface water flooding.

A drawing has also been proposed showing the proposed post development flow routes of the surface water flooding (Flood Compensation Proposed Levels, 11862-0060 revision B, 10.08.2021, Craddys). It has been shown that the flow route generated from the north of the site will flow around the building to the south east corner of the site. The drawing also shows that it is anticipated that the flow route from the west of the site will be conveyed between the building and the site boundary, however, no evidence has been provided that this scenario will occur and the LLFA remains concerned that the proposed building will cause surface water to back up and increase flood risk elsewhere, which is contrary to paragraph 167 of the National Planning Policy Framework (2021). The applicant is therefore required to undertake surface water modelling to demonstrate flood depths, volumes and velocities both onsite and off, and that the proposed building will not cause the surface water flooding to back up increasing flood risk off site.

#### Records of Flooding

The LLFA hold records of flooding for the site and the surrounding area. A Section 19 Investigation for Old Amersham was completed by the LLFA for flooding that occurred in January and February 2014 (17th October 2014, Buckinghamshire County Council).

Photographic evidence presented within the report shows that the development site was flooded in January 2014. The flooding during this event was attributed to fluvial flooding.

Multiple records of surface water flooding are also presented in the Chiltern and South Bucks Strategic Flood Risk Assessment (B127F002-L1-SFRA Revision 03, December 2018, Jacobs), three records of flooding are shown close to the development site in Figure 15 (B127F002-CDC- SBDC-SFRA- FIG-15, 05/10/2018, Jacobs).

It should be noted that the records of flooding and Section 19 investigation have not been discussed within the Flood Risk Assessment for the site.

### Surface Water Drainage

Additional information regarding the surface water drainage scheme has been provided.

### Surface Water Pumping Station

A justification has been provided for the inclusion of a surface water pumping station, it has been stated that the level of the watercourse to the east of the site has been assumed as higher than the lowest proposed ground level and therefore a pump is necessary. Evidence to prove that the watercourse is higher has not been provided and this information is requested. In the event that the watercourse is lower than the site and a gravity connection can be achieved then the surface water drainage scheme must be updated to accommodate this. The applicant has confirmed that the proposed pumping station will be a dual pump with an alarm which will be maintained by the applicant.

### Sustainable Drainage Components

It is disappointing that additional SuDS components including tree pits, bio-retention areas and active rainwater harvesting have been discounted, meaning that the scheme does not provide any amenity or biodiversity benefits. It is understood that there are constraints on site, however it should be noted that by considering SuDS at the beginning of the design process, the applicant can more readily achieve the four pillars of SuDS.

Permeable paving has been proposed for the car parking areas; however, it is noted that within the Drainage Layout (11862-0050 Revision B, 11.08.2021, Craddys) that permeable paving has only been proposed in the northern section of site and not the southern. The LLFA require an explanation of why permeable paving has not been proposed in all parking areas.

### Layout

The Drainage Layout (11862-0050 Revision B, 11.08.2021, Craddys) appears to show the geocellular storage tank as being an offline component. If this component is offline then the LLFA query the need for the permeable paving to the north of the site to be connected to the rest of the system as it appears that this section will be directed to the south of the site just to be pumped back to the north of the site, rather than utilising gravity and being connected directly in the river. Confirmation of the justification for this method is required.

### Water Quality Assessment

The applicant must demonstrate their compliance with the water quality assessment criteria (Section 26, CIRIA SuDS Manual, 2015) to ensure that pollution is adequately managed. Often a combination of various SuDS components are required to meet the criteria.

### Calculations Exceedance

The MicroDrainage calculations for the 1 in 100 year plus 40% climate change event have been updated to show that the system will contain the 1 in 100 year flood event plus 40% climate change allowance without flooding. For rainfall events over the 1 in 100 plus 40% climate change allowance event, a drawing showing the direction of exceedance flows must be provided.

### Submerged Outfall

Calculations to demonstrate how the surface water drainage system would function in the event of a submerged outfall must be provided.



### Floatation Calculations

Groundwater level monitoring has been completed, which demonstrates high groundwater levels, up to 0.34m below ground level, floatation calculations are therefore required.

### Maintenance

A maintenance schedule for the surface water drainage system needs to be provided. It should include the maintenance tasks which are required, the persons responsible for undertaking maintenance and frequency by which these will be undertaken.

Buckinghamshire Council as the Lead Local Flood Authority: 4<sup>th</sup> June 2021

Buckinghamshire Council as the Lead Local Flood Authority (LLFA) has reviewed the information provided in the following documents:

- Flood Risk Assessment and Drainage Strategy (11862w0002, March 2021, Craddys)
- Design and Access Statement (180935-925, March 2021, Kendall Kingscott)

The LLFA recommends refusal of the above proposals due to being at risk of flooding from multiple sources and the inadequate assessment of the flood risk within the Flood Risk Assessment.

### Flood Risk

#### Surface Water Flood Risk

The Flood Map for Surface Water (FMfSW) provided by the Environment Agency shows that the site lies in an area of high risk of surface water flooding (meaning there is greater than 3.3% likelihood of flooding occurring in a given year) with anticipated depths of up to 0.9m. For the medium surface water flood risk event there are anticipated depths of up to 1.2m and depths of over 1.2m for the whole site are anticipated for the low surface water flood risk event. The mapping shows that surface water flood risk is generated offsite from the north and west and flows through to site to east and south towards the River Misbourne. An online version of this mapping data is available to view through the Environment Agency's Long term flood risk information mapping.

#### Location of Proposed Development

It is understood that there is an existing building on site which is located along the eastern boundary, however the proposed building will be located along the western boundary. As explained above the surface water flooding is generated offsite from the north and west of the site, the LLFA therefore have concerns that location of the proposed building will displace surface water and cause it to back up off site. This is not in compliance with paragraph 155 of the National Planning Policy Framework (February 2019) which states that flood risk must not be increased on or off site. No evidence has been presented to demonstrate the development will not increase flood risk offsite and therefore the applicant must demonstrate how the proposed building will ensure that surface water runoff is not displaced.

#### Access and Egress

The Flood Map for Surface Water shows that the site and access road has a hazard rating of Significant meaning Dangerous for most people (Framework and Guidance for Assessing and Managing Flood Risk for New Development, FD2320/TR2). It should be noted that the location of the proposed building has a hazard rating of Extreme meaning 'Dangerous for all' (Framework and Guidance for Assessing and Managing Flood Risk for New Development, FD2320/TR2). Due to the risk of surface water flooding safe access and egress issues at this site are possible. It is recommended that an emergency flood plan is requested by the LPA, additional information can

be found within the informative below.

#### Taking a sequential approach

The Planning Policy Framework (paragraph 001, 2014) sets out that a sequential approach must be taken when locating development within site, whereby development must be located in the area of lowest flood risk.

#### Surface Water Flood Mitigation

Section 3.3 of the Flood Risk Assessment and Drainage Strategy (11862w0002, March 2021, Craddys) states that mitigation for surface water flood risk will be required, whilst mitigation and flood compensation measures have been proposed it appears that these measures are only for fluvial flooding rather than surface water. The applicant is required to demonstrate how the proposed development will mitigate surface water flooding and groundwater flooding.

#### Groundwater Flood Risk

The Groundwater Flood Map (Jeremy Benn Associates, 2016), shows the groundwater level in the area of the proposed development to be at within 0.025m of the ground surface for a 1 in 100 year return period. This means that there is a risk of groundwater flooding to both surface and subsurface assets. Groundwater may emerge at the ground surface and has the capacity to flow overland and/or pond within any topographic low spots.

#### Groundwater Monitoring

When completing ground investigations in November 2020 groundwater was encountered within the boreholes, levels ranged from 1m below ground level to 1.5m below ground level. The LLFA require further groundwater monitoring to be undertaken during the winter (from November until March) as groundwater fluctuates seasonally and groundwater recharge would have been beginning at the time when the ground investigations were undertaken.

#### Fluvial Flood and Reservoir Flood Risk

Whilst fluvial flood risk and reservoir flood risk is not within the LLFAs remit, it should be highlighted to the LPA that Environment Agency Flood Map for Planning shows that the development site lies within Flood Zone 2 with the southern section of the site also being within Flood Zone 3. Environment Agency's Long term flood risk information mapping also shows that the site is at risk of flooding in the event of a reservoir breach. It should also be noted that there is covered reservoir directly to the west of the site.

#### Sequential Test

Paragraph 157 of the National Planning Policy Framework (2019) requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. In this instance no evidence has been provided to indicate that this test has been carried out. The LLFA strongly encourage the LPA to request that a sequential test of the site is undertaken by the applicant. It is for the LPA to determine whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework. The EA can provide further guidance on undertaking a sequential test.

#### Records of Flooding

The LLFA hold records of flooding for the site and the surrounding area. A Section 19 Investigation for Old Amersham was completed by the LLFA for flooding that occurred in January and February 2014 (17th October 2014, Buckinghamshire County Council).

Photographic evidence presented within the report shows that the development site was flooded in January 2014. The flooding during this event was attributed to fluvial flooding. Multiple records of surface water flooding are also presented in the Chiltern and South Bucks Strategic Flood Risk Assessment (B127F002-L1-SFRA Revision 03, December 2018, Jacobs), three records of flooding are shown close to the development site in Figure 15 (B127F002-CDC- SBDC-SFRA- FIG-15, 05/10/2018, Jacobs).

#### Surface Water Drainage

As stated above ground investigations have encountered high groundwater levels and therefore infiltration as method of surface water disposal has been discounted. The LLFA are in agreement that infiltration is not viable and therefore will not require infiltration rate testing to be completed. The applicant has followed the drainage hierarchy (Paragraph 080, Planning Practice Guidance) and is proposing to discharge to the River Misbourne in the north-east corner of the site at a rate of 2l/s. It should be noted that to make a connection to this watercourse, consent may be required from the Environment Agency, further details are provided in an informative below.

Permeable paving within the parking spaces, along with a geo-cellular storage tank have been proposed to attenuate the surface water runoff generated by the site. Due to the topography of the site the tank has been located within the southern section of the site; this means that the applicant has proposed a surface water pumping station to discharge to the River Misbourne. The LLFA strongly discourages the use of surface water pumping stations.

#### Surface Water Pumping Station

The LLFA has assumed that the surface water pumping station has been proposed so that third party land does not have to be crossed to achieve a gravity connection to the River Misbourne. Within the Flood Risk Assessment and Drainage Strategy a gravity connection to the river does not appear to have been considered and therefore the LLFA encourages the applicant to investigate a gravity connection via third party land. It should be noted that written in-principle permission from all relevant third party landowners to achieve and maintain the connection for the lifetime of the development must be demonstrated.

In the event that permission to cross third party land cannot be obtained and therefore the only way to connect to the river is via a surface water pumping station it should be noted that paragraph 163 of the National Planning Policy Framework (NPPF) requires that planning applications demonstrate that any residual risk, such as pump failure, can be safely managed. Information regarding pump maintenance and details of exceedance routes (volume, depth and direction) in the event of failure, blockage or a rainfall event that exceeds the provided storage must be provided.

#### Sustainable Drainage Components

As stated above permeable paving and a geo-cellular storage tank have been proposed to manage surface water runoff generated by the development. No above ground SuDS have been proposed meaning that no biodiversity or amenity benefits will be provided as part of the surface water drainage scheme. Small above ground SuDS components such as tree pits and bio-retention areas can be incorporated into the scheme to ensure that all four pillars of SuDS are being met.

The LLFA promotes the water reuse and considers active rainwater harvesting to sit at the top of the drainage hierarchy. Active rainwater harvesting allows rainwater to be collected and used for non-potable water purposes, such as toilet flushing, helping reduce dependency on potable water

usage and act as an effective way of managing surface water. The LLFA, therefore, strongly encourages surface water reuse and encourages the applicant to investigate rainwater harvesting.

It must be demonstrated that biodiversity and amenity benefits have been considered by providing an assessment of all the SuDS components as listed in the CIRIA SuDS Manual (C753), particularly those mentioned above (tree pits, bio-retention areas and active rainwater harvesting) and provide justification for exclusion if necessary.

#### Layout

The Drainage Layout (11862-0050 Revision A, 18.03.2021, Craddys) appears to show the geo-cellular storage tank as being an offline component. If this component is off-line then the LLFA query the need for the permeable paving to the north of the site to be connected to the rest of the system as it appears that this section will be directed to the south of the site just to be pumped back to the north of the site, rather than utilising gravity and being connected directly in the river. Confirmation of the justification for this method is required.

#### Water Quality Assessment

The applicant must demonstrate their compliance with the water quality assessment criteria (Section 26, CIRIA SuDS Manual, 2015) to ensure that pollution is adequately managed. Often a combination of various SuDS components are required to meet the criteria.

#### Calculations Exceedance

The MicroDrainage calculations for the 1 in 100 year plus 40% climate change event show that the system will flood, the volume of this flooding however has not been provided. Whilst it is stipulated within S8 of the Non-Statutory Technical Standards for Sustainable Drainage Systems (Defra, 2015) that flooding of a surface water system may occur for the 1 in 100 year event, the LLFA is extremely concerned what would happen if the system flooding coincided with a fluvial or surface water flood event from off site. To mitigate this risk the surface water drainage system should be able to contain the 1 in 100 year flood event plus 40% climate change allowance without flooding.

#### Submerged Outfall

Calculations to demonstrate how the surface water drainage system would function in the event of a submerged outfall must be provided.

#### Floatation Calculations

It should be noted that due to the anticipated high groundwater, floatation calculations will be required. These calculations should be either informed by observed groundwater levels (over the winter period) or calculated based on groundwater being at surface level.

#### Maintenance

A maintenance schedule for the surface water drainage system needs to be provided. It should include the maintenance tasks which are required, the persons responsible for undertaking maintenance and frequency by which these will be undertaken.

#### **Environmental Health (Noise and Odour) dated 1<sup>st</sup> March 2023**

No objection, subject to conditions. Demolition and Construction

Demolition of the existing buildings on site and construction of the development is proposed, as a result of this Environmental Health provide the following informative to the applicant to

address matters of noise and dust impact to the local amenity during the demolition and construction phases.

#### Informative on Noise and dust control from demolition and construction

The applicant should take all relevant precautions to minimise the potential for disturbance to the occupiers of neighbouring properties in terms of noise and dust during the demolition and construction phases of the development.

Due to the close proximity of the site to existing residential properties, the applicants' attention is drawn to the Considerate Constructors Scheme initiative.

This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicles parking at the site or making deliveries, and general disruption caused by the works.

By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

This is an advisory scheme. Should the applicant not adopt this specific scheme then Environmental Health recommend a similar scheme be considered to achieve the same effect as described above.

Site operational hours for works that generate noise over the boundary of the premises:

Monday to Friday - 8am until 6pm

Saturday - 8am until 1pm

Sunday, Bank Holidays and Public Holidays – No noisy works

Outside of these times, no noisy equipment should be used that would be audible to nearby residents.

NB. The granting of planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received.

#### **Environmental Health (Contaminated land) dated 19<sup>th</sup> December 2021**

The Council's historical mapping shows that the site was vacant during the 1920s, a garage is shown on site on the map for the 1955-1974 epoch, The Bungalow is shown in the south west of the site, the layout shown on the map for the 1970s is similar to the layout shown on the raster map, the layout shown on the map for the 1990s is the same as the layout shown on the raster map.

Online historical mapping indicates that the site remained undeveloped until the map published in 1960, three buildings are shown on site during this period.

Our records indicate that there was once a petrol filling station on site. The site appears to have last been used for car sales. There are other sites in close proximity to the site that have had a previous potentially contaminative use.

The site has had a previous potentially contaminative use. An assessment of the risks associated with the site is required.

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

#### **Environment Agency – dated 29<sup>th</sup> February 2024**

Environment Agency Position

We have reviewed the additional information provided and are now in a position to remove our previous objection.

#### **Environment Agency – dated 29<sup>th</sup> December 2023**

Environment Agency Position

We're pleased to see a river condition assessment (RCA) has been undertaken to inform the baseline and post intervention conditions of the reach of the river Misbourne within the development following our previous objection. However, we maintain our objection to the proposed development due to the lack of confidence in the data provided for the RCA.

Objection

Whilst we're happy with the progress made, the RCA report has not included the raw data recorded in the Modular River Physical (MoRPh) field survey, which lowers our confidence in the data provided.

#### **Environment Agency – dated 3 February 2023**

Environment Agency Position

We previously had two objections to this planning application, the first was due to the submission of an inadequate FRA and the second was due to impact on a priority habitat. The applicant has submitted enough information to overcome the first objection however we maintain our objection on the second and require further work to be completed in order for it be overcome.

Reason

The applicant has submitted plans which show an increase in soft landscaping within the 8 metre buffer zone of the River Misbourne. This increase is welcomed however the full 8 metre setback, which would normally be expected for globally rare chalk rivers like the River Misbourne, designated priority habitat under the UK Biodiversity Action Plan and Section 41 of the NERC Act, has not been provided.

As previously advised, we expect the applicant to achieve a minimum of 10% biodiversity net gain (BNG) on this site having considered and provided for all habitat types including the river. Within the calculations provided, the habitat units and hedgerow units show a significant increase, whilst the river metric shows no change. Therefore, the assessment doesn't meet the requirements of our previous objection, where we specifically asked to see an increase in river units. The report suggests that an increase in on-site river units is not possible. If all on-site improvement options have been explored, then the developer should consider options to improve the river off-site to meet the BNG requirements.

## Environment Agency - dated 23<sup>rd</sup> November 2023

### Environment Agency position

We previously had two objections to this planning application, the first was due to inadequate FRA and the second was due to impact on a priority habitat. The applicant has submitted enough information to overcome the first objection however further work is needed to overcome the second objection. Please see objection below as well as information on how to overcome it.

### Reason:

The applicant has submitted plans which show an increase in soft landscaping within 8m of the River Misbourne. This increase is welcomed however the full 8m of setback, which would normally be expected for Chalk Streams like the River Misbourne, a priority habitat under the UK Biodiversity Action Plan (BAP) has not been provided. If suitable justification can be provided we would expect the applicant to achieve a minimum of 10% Biodiversity Net Gain. This is in line with emerging Buckinghamshire Council Local Plan. Biodiversity Net Gain is required by Buckinghamshire Core Strategy (2011) Policy CS24, which states:

The Council will aim to conserve and enhance biodiversity within the District. In particular:

- the Council will work with its partners to protect and enhance legally protected species and all sites and networks of habitats of international, national, regional or local importance for wildlife or geology.
- development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. This will be in accordance with the Buckinghamshire Biodiversity Action Plan as well as the aims of the Biodiversity Opportunity Areas and the Chiltern AONB Management Plan.
- where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest.
- where, in exceptional circumstances, development outweighs any adverse effect upon the biodiversity of the site and there are no reasonable alternative sites available, replacement habitat of higher quality will be provided through mitigation and/or compensation to achieve a net gain in biodiversity.”

This objection is also supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged.

### Overcoming this objection:

The applicant should provide justification for not providing 8m setback from the main river. If suitable justification can be provided the applicant will need to provide calculations which show how 10% net gain will be achieved. We would expect to see an overview of these calculations that state what the baseline is, the habitat types that will be enhanced, and what the overall net gain will be on the site. The applicant should submit evidence that shows this development can achieve a measurable biodiversity net gain using the latest Defra Metric calculations.

We are particularly interested in the rivers and streams aspect of this biodiversity net gain

calculation. The River Misbourne is a globally rare chalk stream priority habitat with high ecological value. Opportunities to enhance this habitat should be sought in line with the Central Chiltern Chalk Rivers Biodiversity Opportunity Area identified by the Buckinghamshire and Milton Keynes Natural Environment Partnership. Suggested improvements include re-naturalising any existing reinforced river banks, establishing vegetated buffer zones using native species, creating wetland habitats and creating backwater and bay features.

Environment Agency: Dated 4<sup>th</sup> June 2021

As part of this consultation we have reviewed the following document and associated appendices:

Flood Risk Assessment and Drainage Strategy, prepared by Craddy's, ref 11862w0002 Rev A, dated 18 March 2021.

#### Environment Agency Position

Based on the information submitted to date, we object to this application as submitted and recommend that planning permission is refused.

#### Objection 1: Inadequate Flood Risk Assessment

In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

The site lies within Flood Zones 3a and 2, which is land defined by the planning practice guidance as having a high and medium probability of flooding, respectively.

However, the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance.

This objection is comprised of two strands (A and B). Reasons

A: Finished Floor Levels not set at an appropriate level

The submitted FRA fails to demonstrate that the proposed development will have finished floor levels 300mm above the 1% annual probability (1 in 100 year) plus an allowance for climate change flood level, which would prevent internal flooding and ensure the safety of the development's users.

Sections 4.2 & 5.1 & Table 2 of the FRA refer to the 1 in 100 +35% Climate Change flood level as 87.90mAOD, taken from a node point. However, the 2D nodes within the product 4 data supplied shows that the 1 in 100 + 35% Climate Change flood level reaches 88.19mAOD within the area of the proposed building.

The proposed Finished Floor Level (FFL) of the building is currently set at 88.30mAOD;, which would not be acceptable. FFLs must be set at a minimum of 88.49mAOD (300mm above the 1 in 100 + 35% Climate Change flood level of 88.19mAOD).

In the absence of acceptable FFLs, we would not consider this proposal to be safe for its lifetime from flooding. It is therefore contrary to Paragraph 155 of the National Planning Policy Framework (NPPF) and Policy CS4 of the Core Strategy for Chiltern District (2011).



#### B: Inadequate flood storage compensation provided

We are pleased to see that compensation on a volume-for-volume and level-for-level basis is being proposed.

However, the compensation provided is not sufficient and the proposed development is therefore expected to impede flood flow and reduce flood storage capacity, thus causing a net loss in floodplain storage and increasing the risk of flooding elsewhere. As a result of inappropriate use of predicted flood level and FFL data being used in the calculations (as per part A of this objection), these proposals do not currently provide adequate flood storage compensation.

Without adequate floodplain storage compensation, this application does not comply with the requirements of Paragraph 163 of the NPPF and Policy CS4 of the Core Strategy for Chiltern District (2011) for new developments to not increase flood risk elsewhere.

#### Overcoming our Objection

##### A: Finished Flood Levels not set at an appropriate level

The applicant should submit further evidence to demonstrate that the proposal will not pose a risk to life and property. This can be achieved through demonstrating that raised FFLs, as outlined previously, can be provided to prevent internal flooding of the development and damage to people and property. FFLs must be a minimum of 300mm above the 1 in 100 + 35% Climate Change flood level of 88.19m AOD, which is 88.49m AOD.

##### B: Inadequate flood storage compensation provided

In order to provide adequate flood storage compensation, the applicant should use the 2D node flood levels to ensure the flood levels across the site are being used in the compensation calculations, as mentioned above, to ensure all loss of the floodplain is accurately accounted for.

#### Objection 2: Development within 8 metres of a chalk river priority habitat

The proposed development would cause unacceptable damage to the River Misbourne, a chalk river and designated priority habitat under the UK Biodiversity Action Plan (BAP).

#### Reasons

The submitted planning application and associated documents indicate a negative impact on the semi-natural habitat within the riparian zone of the River Misbourne.

In particular, the proposed development has not included a minimum 8 metre buffer zone adjacent to the watercourse for the benefit of biodiversity.

Where the Misbourne runs in an open channel in the north east of the site, an 8m buffer zone should be provided on the south bank of the Misbourne, this is currently encroached upon by car parking spaces.

Based on the information submitted with this application, there is a significant risk that the proposed development may prevent the recovery of Chalk Rivers, a priority habitat. A suitable riparian zone is essential to a functioning chalk river. It provides significant habitat to multiple species associated with Chalk Rivers and has the additional benefit of filtering water before entering the watercourse.

By not providing a sufficient natural buffer zone, runoff into the river may not be sufficiently filtered, leading to a potential deterioration in water quality and therefore in ecological status of the internationally rare chalk stream habitat.

This objection is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. This objection is also in line with Policy GC12 - Protection of river character – Rivers Chess and Misbourne of the Chiltern District Local Plan (2011)

#### Overcoming our objection

To overcome our objection, the applicant should revise their proposals to demonstrate the inclusion of an undeveloped 8m buffer zone from the top bank of the Misbourne. The buffer zone should be designed and managed for the benefit of biodiversity, e.g. by planting of locally appropriate species native to the UK. The buffer zone should not be undisturbed by development and protected; for example, there should be no fencing, footpaths or other development nor any formal landscaping in the buffer zone. The applicant must also submit details demonstrating how the buffer zone will be protected during development and managed over the longer term, as part of a detailed management plan.

#### **Heritage Officer dated: 7<sup>th</sup> December 2021**

This is my second response on this application and follows previous comments dated 31/07/2021.

At the time of my previously comments I had not received the Heritage Statement that accompanies this application.

The site affects the setting of two Grade II listed buildings which are located opposite the site on the north side of London Road West. The existing use of the site is a car sales room and forecourt.

The existing building on the site is set back from the road frontage with a large forecourt area for the display of cars. The site is a key gateway at the entrance to the town and at the current time is unwelcoming, lacks any sense of place and is visually unattractive and unsympathetic to the local character and the surrounding built environment.

The proposal seeks approval for the construction of a new Aldi food store set back from the road largely surrounded by parking. The new store has a GIA of approximately 1893m<sup>2</sup> over two storeys (1431m<sup>2</sup> ground floor and 460m<sup>2</sup> first floor). The first floor would provide warehouse space, and staff accommodation.

The car park would provide a total of 101 customer spaces and would be located to the front, side and rear of the store. The proposed scheme utilises one of the existing access points off of London Road West. A pedestrian footpath is proposed along the front of the site, with a pedestrian access adjacent to the vehicular entrance.

The design of the food store is that of a simple two storey block with a flat roof. The second storey is positioned such that the higher elevations are at the southern end of the site, with a reduction in scale towards the site entrance and neighbouring properties. Full height shop front glazing is provided to the north elevation identifying the retail area and enhancing the buildings interaction with the public realm through the creation of an active frontage facing the main road. This glazing wraps around the northeastern corner of the building to define the entrance. This is further highlighted by a simple cantilevered canopy that also shelters the trolley bay and customers

entering and exiting the building. High level ribbon windows run along the eastern elevation to provide some daylight into the retail area. The facades would consist of white render on a small red brick plinth. The cantilevered canopy would be finished in a pressed metal and be polyester powder coated.

Historically the site formed part of the agricultural land to the south of London Road West and to the west of the River Misbourne. However, the site has been developed since the late-20th century and in use as a car show room with associated hardstanding. The development of the site formed part of the residential and commercial expansion to the east of the settlement of Amersham which occurred from the mid-20th century. I concur with the Heritage Statement submitted to support this application that this settlement expansion, including the uses of the existing site, has degraded the appreciation of the former open agricultural landscape which would have extended to the south of London Road West and which the listed buildings would have overlooked marking the eastern extent of the settlement and historically signifying the gateway to the town.

I concur that the current site does not form part of the significance of the listed buildings, since the open agricultural landscape character once associated with the buildings was lost at the time of the settlement expansion and the development of the site.

The site does however form an important part of the setting of the listed buildings and one which I consider is negatively affected by the existing open car display forecourt which is an intrusive feature. Historic England defines setting as 'the surroundings in which an asset is experienced, and all heritage assets have a setting, irrespective of the form in which they survive'.

The proposed supermarket would have a similar visual appearance to the existing car forecourt with a large open carpark to the front of the store with no screening. The supermarket would also create significant additional traffic generation and movement, thereby greater noise and disturbance. The proposed carpark would also require additional lighting which would create additional light spill. The proposed large sign on the front boundary would also be detrimental to the setting of the listed buildings.

As such I do not agree with the Heritage Statement that no harm would be caused to the setting of these designated heritage assets. Historic England's Good Practice Advice in Planning Note 3 (Second Edition) – The Setting of Heritage Assets, sets out a stage approach to assessing issues of setting. Step 4 explores ways to maximise enhancement and avoid/minimise harm to heritage assets. This step is not discussed in the Heritage Statement, since the arguments put forward by the applicant do not recognise the harm which I have identified in my assessment.

Paragraph 39 of Historic England's Planning Advice Note, states that 'Options for reducing the harm arising from development may include the repositioning of a development or its elements, changes to its design, the creation of effective long-term visual or acoustic screening, or management measures secured by planning conditions or legal agreements'. It continues 'For some developments affecting setting, the design of a development may not be capable of sufficient adjustment to avoid or significantly reduce the harm, for example where impacts are caused by fundamental issues such as the proximity, location, scale, prominence or noisiness of a development. In other cases, good design may reduce or remove the harm, or provide enhancement. Here the design quality may be an important consideration in determining the balance of harm and benefit.'

This national planning guidance also needs to be considered in light of the heritage requirements of the NPPF. Paragraph 197 states 'In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets...; and c) the desirability of new development making a positive contribution to local character and distinctiveness'. Paragraph 206 also states 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'.

As such, in heritage terms I am seeking improvements to the existing proposals in order to reduce the impact of this proposal on the setting of these listed buildings. I would suggest that some additional landscaping is required in the form of hedgerow screening and enclosure by tree planting to the front boundary in order to lessen the impact of the car park and its light spill. I am also seeking the omission of the large advertisement on the front boundary since this is too prominent in the setting of the listed buildings and is considered unnecessary and superfluous given the advertisements on the supermarket.

As the applicants will be aware, the creation of high quality, beautiful and sustainable 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. The NPPF also states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. It continues '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.'

For the reasons given above it is felt that in heritage terms:

The following further amendments are required to maximise enhancement and avoid/minimise harm to heritage asset before the application can be determined/fully assessed:

- additional landscaping in the form of hedgerow screening and enclosure by tree planting to the front boundary
- omission of the large advertisement on the front boundary

**Heritage Officer dated: 31<sup>st</sup> July 2021**

As the NPPF states, heritage assets are an irreplaceable resource and it is important to conserve them in a manner appropriate to their significance. In heritage terms this proposal does not conform to the requirements of the NPPF and as such this application should not be determined until the information required is submitted to the Local Planning for consideration.

Overall, this redevelopment proposal fails to take the opportunity to conserve and enhance the historic environment by providing a 'high quality, beautiful and sustainable building and place'. This redevelopment site is an opportunity to provide a better gateway entrance to the town and create a development which would better conserve and enhance the setting of the nearby listed buildings and the entrance approach to the conservation area. As such I am recommending that this scheme should be considered by a Design Review Panel.

The site affects the setting of two Grade II listed buildings which are located opposite the site on the north side of London Road West. The existing use of the site is a car sales room and forecourt.

The existing building on the site is set back from the road frontage with a large forecourt area for the display of cars. The site is a key gateway at the entrance to the town and at the current time is unwelcoming, lacks any sense of place and is visually unattractive and unsympathetic to the local character and the surrounding built environment.

The proposal seeks approval for the construction of a new Aldi food store set back from the road largely surrounded by parking. The new store has a GIA of approximately 1893m<sup>2</sup> over two storeys (1431m<sup>2</sup> ground floor and 460m<sup>2</sup> first floor). The first floor provides warehouse space, and staff accommodation.

The car park would provide a total of 101 customer spaces and would be located to the front, side and rear of the store. The proposed scheme utilises one of the existing access points off of London Road West. A pedestrian footpath is proposed along the front of the site, with a pedestrian access adjacent to the vehicular entrance.

The design of the food store is that of a simple two storey block with a flat roof. The second storey is positioned such that the higher elevations are at the southern end of the site, with a reduction in scale towards the site entrance and neighbouring properties. Full height shop front glazing is provided to the north elevation identifying the retail area and enhancing the buildings interaction with the public realm through the creation of an active frontage facing the main road. This glazing wraps around the northeastern corner of the building to define the entrance. This is further highlighted by a simple cantilevered canopy that also shelters the trolley bay and customers entering and exiting the building. High level ribbon windows run along the eastern elevation to provide some daylight into the retail area. The facades would consist of white render on a small red brick plinth. The cantilevered canopy would be finished in a pressed metal and be polyester powder coated.

The Design & Access Statement that supports this application makes no reference to the listed buildings located directly opposite to the site and is inadequate in this regard. In addition, no Heritage Statement has been submitted to support this application as required by Paragraph 194 of the NPPF. Para 194 states 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary'.

Hence this application fails to describe the significance of the heritage assets affected or make any assessment to understand the potential impact on their significance. As such, this application does not conform to the requirements of the NPPF and should not be determined until this information is submitted for the Local Planning to assess.

Achieving well-designed places is a fundamental requirement of the planning process. This is a highly sensitive site and in heritage and design terms, I question whether this proposal takes the opportunities available for improving the character and quality of the area and reflecting local heritage and design policies and government guidance on design (National Design Guide). The

issues as I see them are as follows:

i) Footprint and Site Planning

The site layout does not contribute to the street continuity and enclosure. The building should be located in close relationship to the street frontage in order to respect the street alignment, scale, enclosure and to provide active frontage. The car parking in the proposed scheme has been designed in a way to completely dominate the entrance to the site and the street frontage. Also the parking area is not considered as part of the green infrastructure for the site. In its layout and access arrangements the development is not convenient for those who travel by foot, cycle and bus. This layout needs to be fundamentally redesigned to discourage the use of the car and encourage modal shift. I am also concerned with the likely conflict of movement between service vehicles, cars and pedestrians within the site. Far more electric vehicle charging points are necessary.

ii) Active Frontages

There is an opportunity through redesign for the scale and grain of this large footprint building to be assimilated into the street scene by the elevational expression of structural bays and columns, The horizontal emphasis of the elevational design should be avoided, as this draws attention to the excessive width of the building. I am also concerned at the largescale use of white render since the predominate material is red brick.

iii) Roofscape and Massing

Large areas of flat roofs should be avoided since roofscape interest is important and this can be achieved through pitched roofs with narrow bay widths addressing the streetscene and natural ventilation/heat exchange cowls etc. Flat roofs are not a typical feature of buildings in the local area which display pitched roofs with red/orange tiles. Rainwater harvesting and the management of water run-off is a significant design consideration given the large area of roofs and surfaces, also the inclusion of sustainable measure in roof design and the use of renewables for energy are to be encouraged. If the large areas of proposed flat roof are to be considered acceptable then these in my view should be green roofs. It is also important to signify the frontage of the building and its entrance; this is sadly lacking in scale and massing in the current scheme where the two storey element of the store is pushed to the back of the site. This two storey element should be at the front of the building in order to create more presence to the building and make the entrance a feature of the design.

iv) Landscaping and Boundary Treatment

The proposed scheme is lacking any landscape which is unacceptable. Careful landscape design should be used to ensure appropriate boundary enclosure, create shade for building elevations and parked cars, to oxygenate the air quality, to screen and shelter spaces, to maintain and enhance biodiversity and to ensure sustainable drainage. I consider that tree planting is important both to enclose the front boundary frontage, breaking up large areas of parking areas and soften boundaries. Boundary treatments shown in the current application are unacceptable in quality and need to be considered in a holistic manner in any redesign.

To conclude, in heritage and design terms, I consider that this redevelopment proposal fails to take the opportunity to provide a 'high quality, beautiful and sustainable building and place' which is fundamental to what the planning and development process should achieve. It also fails to take the opportunity for providing a better gateway entrance to the town and creating a development which would better conserve and enhance the setting of the nearby listed building and the entrance approach to the conservation area. These matters are a requirement of the recently revised NPPF. As such I am recommending that this scheme should be considered by a Design Review Panel as set out in Para 133 of the NPPF.

## Archaeology Officer – dated 27<sup>th</sup> May 2021

Thank you for consulting the Buckinghamshire Council Archaeological Service on the above proposal. We maintain the local Historic Environment Record and provide expert advice on archaeology and related matters. As you will be aware, Paragraph 189 of the National Planning Policy Framework (NPPF) states that information held in the relevant historic environment record should be consulted and expert advice obtained where necessary. The NPPF recognises that the effect of an application on the significance of a heritage asset (including its setting) is a material planning consideration.

Paragraph 193 says that there should be great weight given to the conservation of designated heritage assets, whilst paragraph 194 extends this provision to non-designated heritage assets with an archaeological interest equivalent to that of scheduled monuments.

### Historic Environment Record (HER) information

We have consulted the Buckinghamshire Historic Environment Record (HER) and note that the following records are relevant:

HER reference	Designation Status*	Description
0852800000	PLN/COA	Amersham old town: Medieval and post-medieval settlement of Amersham, recorded in Domesday Book.
0959800000	HER	Bury End, Amersham: Possible ditches, pits and plough furrows identified during geophysical survey.
0037200000	PLN	BURY FARM, AMERSHAM: Remains of a possible second century Roman villa recorded in a sewer trench at Bury Farm and subsequent excavation trenching
0037100000	HER	LOWER END OF STATION ROAD: Roman metalwork found on Station Road

\* COA = conservation area; LB = listed building; RPG = registered historic park; SAM = scheduled monument; PLN = planning notification area (undesigned area of archaeological interest); HER = historic environment record

Note: some records relate to extensive areas such as historic landscapes, historic towns and villages or areas of high archaeological potential. For full HER information and a licence for commercial use please contact the Bucks HER Officer.

### Archaeological and related interests

We welcome the heritage desk-based assessment produced by Cotswold Archaeology included with the application documents; section 6.2 includes:

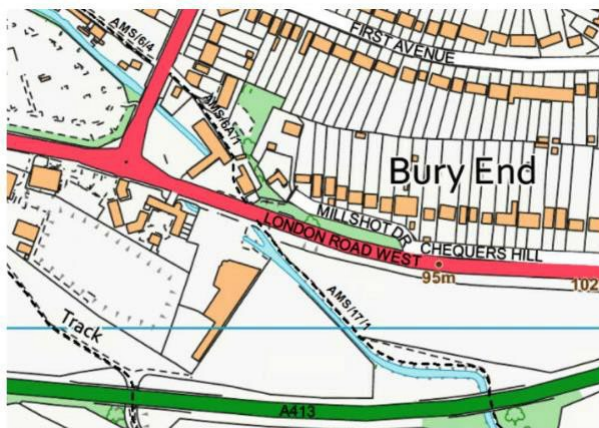
No significant known archaeological remains have been identified within the Site and the site has been subject to disturbance throughout the 20th century. However, there is some limited potential for archaeological features to survive at the Site within islands of undisturbed ground. There is potential for unstratified findspots of prehistoric date including Bronze Age and Roman findspots as well as evidence of medieval and post-medieval agricultural activity. Any archaeological remains are unlikely to be of the highest significance and therefore it is considered the potential archaeological resource would not require preservation in situ, nor would it preclude development.

We conclude that the proposed development may affect heritage assets of archaeological interest from a number of periods. Whilst we would expect archaeological trial trenching to be undertaken to inform the extent and significance of any buried archaeological remains this could be undertaken by condition.

If planning permission is granted for this application a condition should be applied to require the developer to secure appropriate investigation, recording, publication and archiving of the results in conformity with NPPF paragraph 199. With reference to the NPPF we therefore recommend that any consent granted for this development should be subject to a condition.

### **Buckinghamshire Council Rights of Way - dated 14<sup>th</sup> May 2021**

The local public footpath network in the vicinity of the site is illustrated in Plan 1. Footpaths AMS/6/4, AMS/6A/1 and AMS/17/1 combine to link between London Road West, Station Road and Church Street to the west. Footpath AMS/17/1 provides access into the local countryside for recreation.



Plan 1

The red edge clips Footpath AMS/17/1 and the vehicular access into the adjoining fields north-east of the site, but this right of way appears otherwise unaffected when comparing the Site Layout Plan with the existing situation.

There is a proposed roadside bitumen footway across the whole frontage and slightly beyond in an easterly direction, replacing the existing grass highway verge – I have highlighted this yellow in Extract 1. While this is for Highways Development Management to comment upon, it would be of potential benefit for existing residents wishing to access the local countryside in the direction I have indicated with an orange arrow. The two dropped kerbs, coloured green on the same plan, could also facilitate movements between Footpaths AMS/6A/1 and AMS/17/1 in a north-west to south-easterly direction, but I cannot comment on their positioning in terms of highway safety.





In summary, the proposed additional footways and dropped kerbs would appear to complement the existing use of and access to the surrounding rights of way network.

### **Representations**

16 Letters of objection were received in response to the application. Concerns are summarised as follows:

#### Objections

- Impact on the vitality of Amersham town centre
- Poor design
- Impact on heritage assets
- Concerns in relation to character and AONB
- Lack of landscaping
- Flood issues
- Traffic impacts
- Noise
- Pollution
- Impact of lighting
- Concerns of waste management
- Vehicular and pedestrian safety
- Increase in traffic and impact on local roads
- Too many supermarkets in the area
- Existing current infrastructure is unable to support further traffic generation
- Another supermarket is not required
- Poor material
- Lack of detail in submission
- Poor quality landscaping
- Poor thought regarding signage
- Unacceptable scale and design
- Supermarket does not fit in with the character of Old Amersham
- Impact of traffic emissions
- Visual impact of the proposed development
- No need for further supermarkets as there is a large Tesco nearby

Letters of objection include responses from the following:

**Amersham and District Residents Association** dated 21.06.21 and 20.02.24 Summary

Increase in traffic, specifically the Gore Hill/Tesco Roundabouts and Station Road Roundabout  
Design does not reflect the historic character of Amersham Old Town  
Lack of landscaping  
Light Pollution  
Reference to poor design and how other area/authorities have dealt with Aldi proposals  
Reference to the length of time of the determination of the application.

Letter from **Chiltern Conservations Board** dated 25<sup>th</sup> May 2023 Summary 'Holding Objection'  
Supports the responses from EA in relation to impact on River Misbourne  
Concerns in relation to the impact of the AONB

Impact in terms of the lack of biodiversity net gains

Letter on behalf of **Tesco** dated 26<sup>th</sup> January 2022 Summary

- Uncertainties and errors in the assessment of retail impacts
- Misapplication of the retail sequential test principles
- Impact on the setting of the AONB
- Inadequate Heritage Assessment

Letter of behalf of **Waitrose** dated 20<sup>th</sup> February 2023

Summary

- General disagreement with the assessment of retail impact information
- Concerns that the proportion of trade which will be drawn from stores in Amersham town centre is significantly understated
- The proportion of trade which will be drawn from the edge of centre Tesco has been overstated; and
- The proportion of trade which will be drawn from foodstores outside the Amersham area has also been overstated.
- No consideration of the role which different types of uses play in supporting the vitality and viability of centres.

Over 2,000 comments of support were received in response to the application. These are summarised as follows:

- Good reuse of a commercial site
- Better competition with other supermarkets
- More affordable supermarket
- Need for a reasonably priced supermarket in the area
- Better use of the site than car sales
- Little impact on Tesco as you cannot do a full shop in Aldi store
- Other Aldi stores are a distance away
- Would not impact residential area
- Would replace a run-down site
- A new budget supermarket would benefit the community
- Would support low income families in the area
- Site is well separated from the conservation area
- Existing buildings on site are of little merit

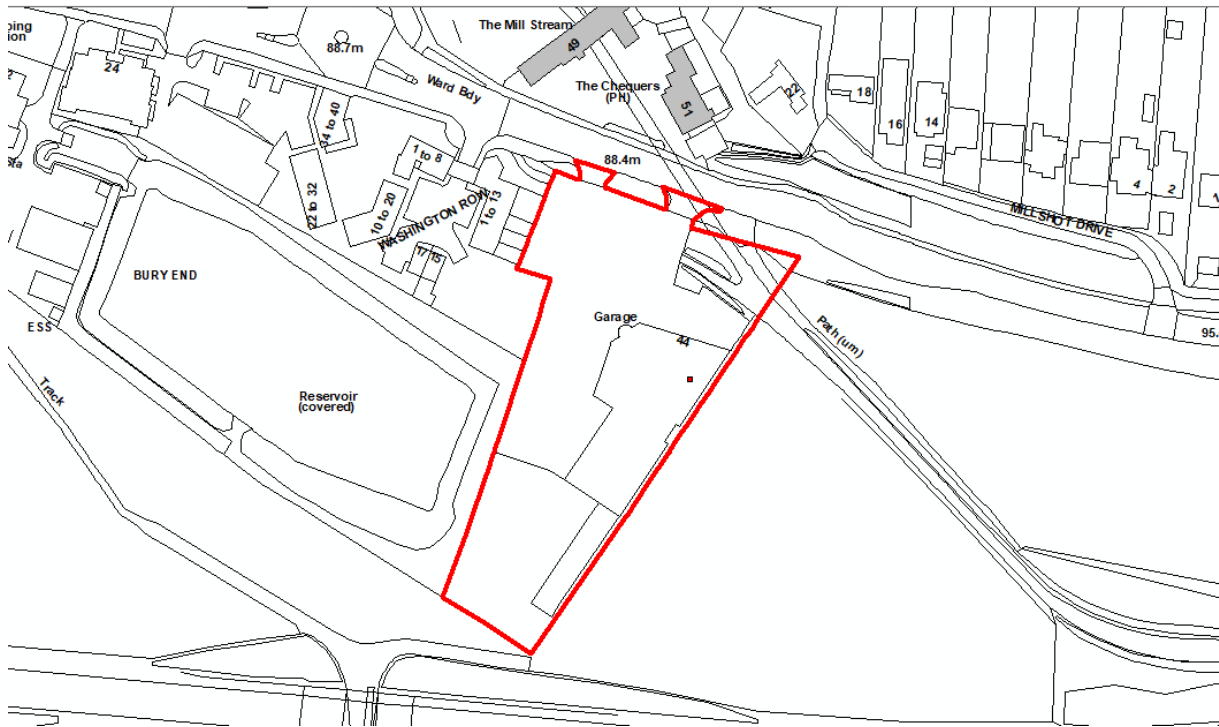
- Would be beneficial for the town of Amersham
- Greater choice of products
- Cheaper alternative
- Closer budget supermarket than High Wycombe or Hemel Hempstead
- Conveniently located site for a supermarket
- Other supermarkets are not good value for money
- Not everyone can afford M&S, Waitrose or Tesco.
- Would provide job opportunities
- New Aldi would be better environmental as it would reduce car trips to those located outside the area
- Not easy to get to other Aldi supermarkets without a car
- Reasonable price, choice and quality
- More competition is good for business.

Letter on behalf of **Amersham Society**

- General support for the principle of the application.
- Shared concerns with heritage officer regarding design issues.

This page is intentionally left blank

## APPENDIX B: Site Location Plan



**Do not scale – this map is indicative only**

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationary Office © Crown Copyright 2012. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Buckinghamshire Council, PSMA Licence Number 100023578

This page is intentionally left blank

## Appendix C: EIA Screening

### Environmental Impact Assessment Regulations 2017 - Screening Opinion

Site: 44 London Road West Amersham Buckinghamshire HP7 9DD Reference: PL/21/1309/FA
--

Development Description	Demolition of existing buildings, and erection of a foodstore (Use class E) with servicing, access, car parking and landscaping.
Schedule 1 Development ?	No
Schedule 2 Development?	Yes
If Yes, what section:	Section 10(b): Urban development projects.
In a 'Sensitive Area' ?:	No – but the site is adjacent to a sensitive area (Chiltern AONB)
Does it Meet the Relevant Threshold/Criteria in Schedule 2, Column 2:	No – the site is less than 1ha
CONSIDERATIONS:	The local planning authority needs to consider whether this schedule 2 development is likely to have significant effects on the environment by virtue of factors such as its nature, scale or location taking into account the characteristics of the development, the location of the development and the characteristics of the potential impact.

#### Characteristics of the development:

The site area comprises approx. 0.66 hectares. The development proposal is for construction of a new supermarket, with GEA of 1,998sqm, with associated car parking, hard and soft landscaping and an access from London Road West.

The site is previously developed with areas of hardstanding associated with the former use of the land as a car showroom.

The site contains a two-storey building located adjacent to the eastern boundary and is currently vacant.

The development would result in a permanent change in character of the site from the existing site condition.

As such views across the site would locally change as a result of new built form and there would be vehicle movements associated with the development.

The use of natural resources such as land, soil and water will not be significant.

The waste materials produced would occur mainly during the construction and operation of the development.

Any waste produced would be of the same nature as other similar developments and would be subject to appropriate controls either through the planning regime or via other legislation.

Standard working practices will be implemented during construction to reduce pollution and development nuisance to a minimum.

The nature of the development does not carry a risk of major accidents and/or disasters. Given the nature of the development there will be negligible risk to human health from water contamination.

The proposals would result in an increase in vehicular movements to/from the site, and other associated activities which have the potential to cause disturbance/nuisance, however the scale of the development is not such as to trigger EIA development.

**Location of the development:**

The Chiltern District Local Plan does not identify any policy designations for the site. The site is located within the built-up settlement of Amersham and contains vacant building associated with the former use of the site as a car showroom.

The site contains areas of hardstanding associated with its previous use and is relatively flat in terms levels.

There are residential properties to the west of the site located on Washington Row.

A mix of retail and residential uses are located on the north side of London Road West opposite the site.

While the land immediately to the east is undeveloped.

The environmental sensitivity of the site is considered to be generally low. However, it is recognised that the site is located adjacent to the River Misbourne

Due to the nature and size of the development it is considered that matters relating to the impact upon biodiversity, geodiversity and landscape features can be appropriately considered through the application process without the requirement to trigger EIA development.

The site is not located within an area of designated landscape, biodiversity, historical, cultural or archaeological significance. However, the site abuts a designated landscape and a number of heritage assets. These impacts, due the scale of the development could be addressed through the application process without the need to trigger EIA development.



### **Characteristics of potential impact:**

The proposal would result in a developed appearance to the site, but the small scale nature of the development would limit the scope for significant impact with any impacts deemed likely to be local. Furthermore, the urban context of the development means the surrounding area is likely to be capable of absorbing a development of this scale without any significant impacts, subject to appropriate design and landscaping.

Due to the nature of the development proposed, there are likely to be potential impacts associated with the development with regard to the impact upon the highway network and/or congestion on the local road network including the nearby. However, given the scale and nature of the proposal this is unlikely to be significant to justify an

Environmental Impact Assessment.

The location is adjacent to a sensitive area, and views of the site can be seen from the adjacent AONB, located to the south and east side of the site. The impact on views will likely be limited and the lie of the land and existence of adjacent buildings would also serve to minimise the visual impact, subject to detail.

External lighting of the site would also be viewed against a backdrop of an already lit urban area and therefore would not likely have a significant environmental impact.

The site itself does not have any particular historical, cultural or archaeological significance. However, there are a number of designated heritage assets close to the site which can be assessed through the application process.

The impact on biodiversity, together with the impact on any protected fauna and flora, including the River Misbourne (chalk stream) can be considered through the application process, while the development should ensure a measurable net gain in biodiversity.

There is the potential for impacts from the development including matters associated with activities at the site relating to noise and disturbance, and air pollution (arising from the uplift in vehicular movements). While construction noise, dust and fumes could also have an impact. However, given the nature and scale of the development these matters are unlikely to be so significant to justify an Environmental Impact Assessment and are often capable of mitigation.

The development is unlikely to have a material impact on the use of natural resources, the production of waste, pollution or nuisance and would be unlikely to include the use of substances or technologies that could increase the risk of accidents or affect human health or the environment.

As highlighted previously, there is a watercourse on the site which could be affected by the development and the site is located within flood zone 2 and 3, and low, medium and high surface water zones. The development would include sustainable drainage.

The development would result in new employment opportunities at the construction stage but these are unlikely to be significant to trigger an Environmental Impact Assessment.

Overall, when considering other neighbouring development and the location of the development, the proposal would be unlikely to result in a cumulative significant effect on the environment to require an Environmental Statement.

**Conclusion:**

The National Planning Policy Guidance (Paragraph: 018 Reference ID: 4-018- 20170728) states that when screening [Schedule 2](#) projects, the local planning authority must take account of the selection criteria in [Schedule 3](#) of the 2017 Regulations. Not all of the criteria will be relevant in every case. Each case should be considered on its own merits in a balanced way.

The Planning Practice Guidance Indicative Screening Thresholds table (Paragraph: 057 Reference ID: 4-057- 2070720) sets out the following indicative criteria and thresholds to help determine whether significant effects are likely for Schedule 2, 10(b) development types:

Environmental Impact Assessment is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination.

Sites which have not previously been intensively developed:

- (i) area of the scheme is more than 5 hectares; or
- (ii) it would provide a total of more than 10,000 m<sup>2</sup> of new commercial floorspace;  
or
- (iii) the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).

The site does not exceed any of the above indicative criteria.

Having taken into account the characteristics of the development, the location of the development, the characteristics of the potential impact and accumulation with other development it is concluded that the proposals are unlikely to have a significant environmental impact. An Environmental Impact Assessment is not required.

The applicant is therefore not required to submit an Environmental Statement.

Case Officer: Graham Mansfield

Team Leader: Mike Shires

## Appendix D – Retail Impact Assessment Review

LPA Ref: PL/21/1309/FA  
March 2022 | PR | P21-3819



### **PLANNING APPLICATION FOR PROPOSAL BY ALDI STORES LTD FOR THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A CLASS E FOODSTORE**

### **RETAIL IMPACT ASSESSMENT REVIEW**

**LAND AT FORMER LOOKERS JANGUAR SITE,  
LONDON ROAD WEST, AMERSHAM**

**ON BEHALF OF BUCKINGHAMSHIRE COUNCIL**



**Pegasus Group**

irmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Edinburgh | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough | Solent

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

contents of this document must not be copied or reproduced in whole or in part without the written consent of Pegasus Group

**CONTENTS:**

Page No:

**1.0 Introduction ..... 1**  
**2.0 Background..... 1**  
**3.0 Planning policy position ..... 2**  
**4.0 Sequential Test ..... 3**  
**5.0 Retail Impact ..... 7**  
**6.0 Summary and Conclusions ..... 12**

---

## 1.0 Introduction

- 1.1 Buckinghamshire Council (BC) instructed Pegasus Group to undertake a review of the Planning and Retail Statement (PRS) by Planning Potential on behalf of Aldi Stores Ltd for their proposed development at the former Jaguar site, London Road West, Amersham. This report provides the details of that review and our recommendations to BC. For the avoidance of any doubt, this report only considers the retail aspect of the proposal.

## 2.0 Background

- 2.1 Planning Potential (on behalf of Aldi Stores Ltd) submitted a planning application to BC for:

*"Demolition of existing buildings and erection of a Class E foodstore with servicing, access car parking and landscaping."*

### Details

- 2.2 The application was registered on 12 May 2021 and has the reference PL/21/1309/FA.
- 2.3 The foodstore element of the scheme is summarised as follows:
- 1,998 sqm gross external area (GIA is not provided)
  - 1,315 sqm net sales area
  - A food:non-food split of 80:20
- 2.4 The applicant has submitted a Planning and Retail Statement (PRS to support the proposal. It is set out that the site is in an edge-of-centre location in that it is identified at para 6.1 of the PRS as being located around 200m from Old Amersham Local Centre. We do not dispute this.
- 2.5 As it is an edge of centre site the PRS covers the sequential approach to

development. The PRS also considers the impact of the proposal. Both elements are considered further in this assessment review.

- 2.6 This review has also considered the objection raised by Martin Robeson Planning (MRP) on behalf of Tesco Stores Ltd.

### **3.0 Planning policy position**

- 3.1 The National Planning Policy Framework (2019) advises at paragraph 85 that:

*"Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation."*

- 3.2 It goes on to set out the matters that planning policies should cover.

- 3.3 It confirms at paragraph 86 that LPAs *'should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.'* That is the case with the retail element of this application and the Applicant has included a sequential assessment within the supporting PRS.

- 3.4 The sequential approach is confirmed as being town centre locations first, then edge of centre locations; *'and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'*

- 3.5 It confirms at paragraph 87 that when *'considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities*

---

*to utilise suitable town centre or edge of centre sites are fully explored.'*

- 3.6 Paragraph 89 sets the threshold for the need for an impact assessment as 2,500 sqm of gross floorspace unless there is a locally set threshold.
- 3.7 Discussions with the Policy Team at BC have confirmed that the validation requirement was consulted upon in March 2020 and this sets a local sequential test threshold, despite the absence of a specific threshold being set in the adopted development plan for the former Chiltern (and South Bucks) area(s).
- 3.8 The paragraph goes on to explain that the assessment should cover impact on existing, committed or planned investment in a centre or centres in the catchment area. It also requires it to cover the impact of the proposal on the vitality and viability of town centres, 'including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)'.
- 3.9 It confirms at paragraph 90 that 'Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused'.
- 3.10 The Chiltern District Local Plan was adopted in 1997 and the Core Strategy adopted in November 2011. The Council was preparing a replacement Local Plan but we note above it has been withdrawn. For the purposes of this review, we have taken into account the policies of the Framework and the guidance for those policies given the age of the Plan.
- 3.11 For the purposes of this exercise, it is necessary to note that the application site is in an edge of centre location and is not identified for retail use.

#### **4.0 Sequential Test**

- 4.1 It is understood that pre-applications were undertaken between the Applicant

---

and BC, but Pegasus Group were not included within any of those discussions. No retail scoping was undertaken with Pegasus Group ahead of the submission of the application, but the PRS confirms that various sequential sites were agreed with Officers to be considered within Amersham on the Hill, Amersham Old Town and Chesham town centres.

- 4.2 In assessing this element, it is only when the retail impact section of the PRS is considered, does the proposed store's catchment begin to be revealed (para 7.19) and this is identified to be Zone 2 of the Council's Retail and Leisure Study Update (2019). It is understood that this catchment area is carried through from the 2017 Retail Study. However the catchment is defined, it appears to be a reasonable catchment for the store proposed.
- 4.3 It is confirmed that sites identified within the Retail and Leisure Study Update (2019) and site visits to the relevant centres were undertaken to support the sequential approach to development.
- 4.4 Aligned with this, the parameters are said to be set out in paragraphs 6.5 onwards and various relevant cases are then set out to provide additional principles which have been established (6.9 onwards). Despite this, the PRS does not then set out the actual parameters which have been applied to the assessment.
- 4.5 There are some sites which are clearly not sequentially preferable, as set out in the assessment, and these include:
- Old Post Office – too small to accommodate the development proposed
  - Star Yard Car park – too large and also owned by the Council who have not confirmed that the site is available
  - NCP Car Park – too small to accommodate the development proposed
- 4.6 Nevertheless, Pegasus Group provide further comments on the other potential



sites identified within the assessment below:

East Building Supplies

- 4.7 It appears that this site would appear to be broadly the size required for the proposal at approximately 0.7ha. It is noted that it appears to be a relatively recent acquisition site for Travis Perkins, given that Google Streetview indicates that they were not in occupation in 2017.
- 4.8 The site was first been identified in 2007 joint Retail Study then revisited in more recent Studies. Given that it has been a potential retail location for around 15 years and has not come forward for such use, some questions need to be asked about the potential of this site for a retail development and its availability.
- 4.9 In this respect, Pegasus Group consider it to be a backland site which significantly reduces the attractiveness of the site for a convenience retail development.
- 4.10 There is acknowledgement around the acquisition of additional buildings/sites to create a more active frontage and this is included within the RLS. An update as to whether any negotiations around these matters and the potential impact on the timescales for this site to potentially come available and be assembled would have been useful.
- 4.11 Overall, it would have strengthened the Applicant's position if there was tangible evidence to support the position that the site is not available. Nevertheless; it is Pegasus Group's overall view that the East Building Supplies site is not a sequentially preferable site to accommodate the development proposed.

Sycamore Road/Woodside Road, Amersham on the Hill

- 4.12 It appears that this site would appear to be broadly the size required for the

---

proposal at around 0.7ha. It is noted that there are a reasonable number of separate units, but they all appear to be within the same ownership.

- 4.13 Similar to the above site, it appears to have been first identified in the 2007 Retail Study and has still not come forwards for town centre development.
- 4.14 Having said that, the largest single unit was vacant at the time of the submission of the application, the former Laura Ashley, and this still appears to be available, according to the agent's website.
- 4.15 As such, it is recommended that the Applicant ascertains the availability of the wider site. If it is available, the Applicant would need to fully consider whether the site is suitable and viable to address the same needs as that proposed by the application site.
- 4.16 Until this is addressed, it cannot be fully dismissed as a potentially sequentially preferable site for the development proposed.

#### Red Lion Site

- 4.17 This is a site where there are a number of different scenarios, but it is noted that from the RLA (again derived from the 2007 Study), the site could either be 0.4ha or if assembled, 0.6ha
- 4.18 It appears that to assemble the 0.6ha site, which is broadly what would be needed to accommodate the development proposed allowing for some flexibility, there would need to be four separate land holdings brought together and in addition to that, three leaseholds would need to be terminated.
- 4.19 This site cannot be discounted if it is unknown whether any site assembly, advocated in the RLA, has commenced to make the site available. If this has, then it needs to be understood whether the site is suitable and viable to accommodate the development proposed.

- 
- 4.20 Until this has been undertaken this site cannot be dismissed as a potentially sequentially preferable site.
- 4.21 Thereafter, Pegasus Group have not been made aware of any alternative and/or potentially sequentially preferable sites that the Applicant should have considered as part of the assessment.
- 4.22 Having regard to the details submitted with the sequential assessment, it is considered additional information in respect of the availability of the following sites is provided. If they are available, then additional information needs to be provided to fully assess their suitability and viability to accommodate the development proposed.
- Sycamore Road/Woodside Road, Amersham on the Hill
  
  - Red Lion Site
- 4.23 The applicant will be aware that the PPG is clear in that *"It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission)"*

## **5.0 Retail Impact**

- 5.1 As noted above, discussions with the Policy Team at BC have confirmed that the validation requirement was consulted upon in March 2020 and this sets a local sequential test threshold, despite the absence of a specific threshold being set in the adopted development plan for the former Chiltern (and South Bucks) area(s).
- 5.2 Nevertheless, the Applicant considers that there is no local floorspace threshold, so has provided what it considers a "proportionate and locally appropriate assessment" (para 7.2).

- 
- 5.3 It is however welcomed that an assessment has been provided to support the application and this is considered further below.
- 5.4 This element of the assessment is introduced with an overview as to the level of need identified within the RLS. Although this is useful information, need is no longer a retail 'test' within the NPPF. It is however acknowledged that there is some growth in convenience expenditure within the study area when considering the latest findings of the RLS.
- 5.5 The wider assessment parameters are set out at para 7.14 onwards and this is a useful overview of the details to be considered further.
- 5.6 The NPPG provides a checklist<sup>1</sup> of steps to be taken when applying the impact test. We have used this to inform our review.

### **Establish the state of existing centres**

- 5.7 The main centres within the catchment area are Amersham – on-the-Hill and Old Amersham. These are the focus of the Applicant's assessment, and we agree this to be appropriate and proportionate in this location and having regard to the proposal.
- 5.8 The health of the centres are explained at paragraphs 5.7 – 5.23 of the Applicant's statement. It is noted at para 5.9 that the site visits were undertaken during the national lockdown when a number of non-essential retail premises were closed.
- 5.9 Despite this, the Applicant has not cross checked their initial findings with any of the vitality and viability assessments undertaken historically to support the Council's various Retail Studies. This would have been useful to provide some wider context as to the findings at the time and is also advocated by the

---

<sup>1</sup> ID ref: 2b-018-20190722

---

Practice Guidance.

- 5.10 In addition, the health check indicators within the Guidance have not been fully assessed. It is likely that this is to do with being able to establish correctly the diversity of uses, vacancy rates and the balance between nationals and independent stores given the visit undertaken during lockdown.
- 5.11 In light of the above, the Applicant should be asked to revisit the centres now that there are no restrictions in place and fully consider the vitality and viability indicators contained within the Practice Guidance (ref: ID: 2b-006-20190722) We consider that such an update by the Applicant will assist Officers in demonstrating that a robust analysis of the health of the centre has been carried out.

### **Time Frame**

- 5.12 The applicant has suggested an opening in 2023 and an assessment year of 2026, which appears reasonable and also aligns with the findings of the RLS.

### **No development scenario**

- 5.13 The Applicant has provided headline information regarding retail expenditure in the catchment area. It does provide the turnover for key locations within the catchment area and how this is predicted to change over time, without the development proposal (Table 2).
- 5.14 Existing stores' turnovers is derived from the results of the shopper survey. This just needs a little more analysis to understand whether the data, which is now 6 years old, is still sufficiently up to date, or whether any new provision and/or any infrastructure investments have changed shopping patterns.
- 5.15 Furthermore, it is also noted that the Applicant has sought to use the population and expenditure information contained within the RLS. Since then,

Experian have released updates to their population and expenditure information and have published an updated retail briefing note in January 2022 (No.19). This has started to take into account the impact of the current pandemic on the retail industry and the likely increase in the pace of change now the pandemic is subsiding. Food retail sales increased significantly during the pandemic as has online shopping – both inevitable consequences of lockdown, but now there are wider inflationary issues which need to be understood moving forwards.

- 5.16 The Applicant should be asked to provide an updated assessment to reflect these updates and consider the implications for the conclusions reached in the original assessment.

### **Turnover and trade draw**

- 5.17 The information used in evaluating the impact is set out at Appendix 2 of the PRS. The turnover figures for Aldi are said to be based on Aldi's published accounts but does not confirm which year or provide any wider context. Pegasus Group just ask that the proposed turnover figures are just compared to the latest data available from Retail Rankings or similar, just so a quick comparison can be undertaken.
- 5.18 It is also noted that the sales density figures are grown by Retail Planner Briefing Note no.18 and this should just be updated to RPN 19, as set out above.
- 5.19 Paragraph 7.37 of the Applicant's statement (referencing Table 4) covers the issue of trade diversion and notes that the majority of trade will be drawn from the existing Tesco store (noted as having just over 56% of existing market share of Zone 2 in para7.30). We would agree with that assumption. The assessment goes on to identify that 50% of the proposed store's turnover is expected to be derived from the Tesco and this is located within Amersham Old Town Local Centre.

- 
- 5.20 Given that this store is the anchor for the centre and the shortcomings of the health check assessments undertaken during the pandemic, the overall impact just needs to be re-considered by the Applicant to ensure that their statement that *"The level of impact identified (-6.8%) is not sufficient to have a significant adverse impact on the vitality and viability of this store and the wider Local entre" (para 7.42)* remains valid.
- 5.21 Turning to the District and Local Centres, we agree that less trade would be drawn from these locations given the results of the shopper survey (subject to any observations in respect of changes in provision since it was completed) the scale of the provision and also the stores located within these centres from which trade would be drawn. Nevertheless, the Council should ask the Applicant to just revisit the overall impact conclusions having regard to the request to revisit the overall health checks of these centres.
- 5.22 Impact on comparison goods retailers is not assessed by the Applicant. However, the nature of the comparison offer at Aldi is one that is based on impulse purchases rather than conscious diversions from an existing retail destination. Although that still provides some impact, we consider that any such impact would be minimal due to the scale of comparison goods to be offered at this store. Notwithstanding this, the Council may wish to consider controlling the proportion of comparison goods that can be sold from this store.

### **The need for finer grain analysis**

- 5.23 The guidance refers to the need to consider a range of plausible scenarios when assessing the impact on existing centres and facilities. It would be worth checking that there are no planning permission(s) which have been implemented within the catchment for convenience goods since the completion of the shopper survey (which should come out the analysis of shopping patterns) and/or extant consents which need to be considered on a cumulative basis.
- 5.24 If there are no changes in this respect, then we consider that this is

appropriately considered in the matters raised earlier and that there is no need for additional consideration or a finer grain analysis.

### **Quantitative and Qualitative Analysis**

- 5.25 The Applicant's statement has considered the qualitative issues in terms of the retail offer of this proposal against the offer currently available elsewhere (Para 7.58 onwards). These are only relatively high level points and if the Applicant can expand on these further, it would assist their case.
- 5.26 As matters currently stand, the quantitative evidence has not been provided to support the assumptions made. The Council should consider requesting updated information to address the issues identified above and consider whether further work is reasonable to understand trade draw and impact.

## **6.0 Summary and Conclusions**

- 6.1 The Applicant has provided a PRS to support the retail element of its proposal at the application site. That retail element is an Aldi store with a GIA of 1,998 sqm.
- 6.2 The Applicant agreed the scope of the Retail Statement with the Council prior to submission, but not Pegasus Group and that has been taken into account in our review. The response from MRP on behalf of Tesco Stores Ltd has also been considered in the above assessment.
- 6.3 The retail element of the proposal is a main town centre use and the application site is in an out-of-centre location that is not allocated for this use. As such, it is required that the Applicant demonstrates that the sequential test has been passed. On the basis of the evidence provided, we consider that additional evidence needs to be provided in respect of:

- Sycamore Road/Woodside Road, Amersham on the Hill



- Red Lion Site

- 6.4 The Applicant will be aware that the PPG is clear in that *"It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission)"*
- 6.5 A form of retail assessment has been provided, but it is accepted that this was prepared in respect of the Applicant's position that it does not trigger a local floorspace threshold, whereas the Policy Team at BC have confirmed that the validation requirement was consulted upon in March 2020 and this sets a local sequential test threshold, despite the absence of a specific threshold being set in the adopted development plan for the former Chiltern (and South Bucks) area(s).
- 6.6 The PRS summarises the findings of the Council's Retail Study that identified capacity for additional convenience goods floorspace within this area. It does not undertake the same summary for comparison goods floorspace. This is something that the Council could request but the reality is that the proportion of comparison goods retailing proposed is relatively small and it is unlikely that such an exercise will reveal any issues of significance to the determination of this application.
- 6.7 The bulk of the impact assessment is based on the RLS, whereas the supporting assessment is requested to be updated to cover the following points:
- revisit the vitality and viability of centres now that there are no restrictions in place and fully consider the vitality and viability indicators contained within the Practice Guidance (ref: ID: 2b-006-20190722);
  - The Shopper Survey needs a little more analysis to understand whether the data, which is now 6 years old, is still sufficiently up to date, or whether any new provision an/or any infrastructure investments have changed shopping patterns in the area;

- Update the population and expenditure information to reflect the latest Experian information and also to update the data to reflect Experian's retail planning briefing note from January 2022 (No.19);
- Confirm that there are no planning permission(s) which have been implemented within the catchment for convenience goods since the completion of the shopper survey (which should come out the analysis of shopping patterns) and/or extant consents which need to be considered on a cumulative basis.

6.8 Overall we recommend that the Council seek further information from the Applicant regarding the proposal which we feel, will assist the Council in undertaking a robust assessment of the implications of the proposal for the sequential approach to development and also the vitality and viability of the surrounding district and local centres.

## **RETAIL IMPACT ASSESSMENT UPDATE RESPONSE**

### **LAND AT FORMER LOOKERS JAGUAR SITE, LONDON ROAD WEST, AMERSHAM**

Buckinghamshire Council (BC) instructed Pegasus Group to provide a further review of the Retail Response by Planning Potential on behalf of Aldi Stores Ltd for their proposed development at the former Jaguar site, London Road West, Amersham (ref:PL/21/1309/F). This note provides a further review and our further recommendations to BC and should be read in conjunction with our initial findings of the submitted Planning and Retail Statement prepared in March 2022.

Pegasus Group's previous advice note concluded that in respect of the sequential approach to development and on the basis of the evidence provided, additional evidence needed to be provided in relation to sites at:

- Sycamore Road/Woodside Road, Amersham on the Hill
- Red Lion Site

In respect of the impact of the development it concluded that the supporting assessment was requested to be updated to cover the following points:

- revisit the vitality and viability of centres now that there are no restrictions in place and fully consider the vitality and viability indicators contained within the Practice Guidance (ref: ID: 2b-006-20190722);
- The Shopper Survey needs a little more analysis to understand whether the data, which is now 6 years old, is still sufficiently up to date, or whether any new provision an/or any infrastructure investments have changed shopping patterns in the area;
- Update the population and expenditure information to reflect the latest Experian information and also to update the data to reflect Experian's retail planning briefing note from January 2022 (No.19);
- Confirm that there are no planning permission(s) which have been implemented within the catchment for convenience goods since the completion of the shopper survey (which should come out the analysis of shopping patterns) and/or extant consents which need to be considered on a cumulative basis.

This note responds to these matters further below:

#### Sequential Approach to Development

It is welcomed that further site visits and additional information has been provided by the Applicant. In respect of the Sycamore Road/Woodside Road, Amersham on the Hill site, the site visit confirmed that the majority of the site was occupied, although the former Laura Ashley remains vacant. The Applicant confirms that the Agent for the site indicates that the site is now 'under offer'. Pegasus Group's investigations confirm that the site is to be occupied by the Hospice of St Francis under the banner of Amersham Owned.

As the site is no longer available, it is agreed that it cannot be sequentially preferable.

In respect of the Red Lion site, the availability of the site was questioned. It is noted that the recent site visit undertaken by the Applicant confirms that the site is largely occupied by a number of operators – identified as Job Centre Plus, a surgery and also an engineering company.

If the Council can confirm that following the identification of this site as a potential retail development, first advocated in the 2007 Retail Study, that no assembly has been commenced, on balance the site would be unavailable at the size needed in a reasonable timeframe to be considered an alternative and sequential site.

Overall, given the additional information provided by the Applicant and assuming that the land assembly point is confirmed by the Council, it could be concluded that there are no sequentially preferable alternative sites for the development proposed.

#### Retail Impact Assessment

It is welcomed that further information around the health of the centres in question is provided. It is also acknowledged that not all areas of indication are covered, but this is acknowledged in the context of the scale of these centres and the level of information available on matters such as rents and yields.

Nevertheless, the information provided is still very basic and lacks some context. For example, there are references to the proportion of vacant units and for Amersham this is identified as “a very low proportion for a centre of Amersham’s size”. The size of Amersham or any contextualisation of the proportion of vacancy against a typical national indicator has not been provided. This is also the same for Chesham and Old Amersham.

It would have been more useful and robust to provide a full overview of the centre, presenting the mix of uses between the various use classes against something like the GOAD UK averages [Pegasus Group note that GOAD have not updated their classification to the new Use Class order as of yet, so a comparative exercise to previous data would have sufficed]. This would have provided useful context as to where any areas of any particular centre exceed or is below an ‘average’ centre which would have provided an updated guide as to its current strengths and weaknesses.

A comparative exercise against the findings of the Nexus 2017 study would have also been very useful to understand how well these centres had performed in recent years against a context of the Covid pandemic and against the strengths and weaknesses previously set out.

In respect of the quantitative assessment, it is again welcomed that the Applicant has provided updated population and expenditure information in support the application. It is noted that this identifies a slight reduction in the level of convenience expenditure within the zones and this broadly reflects what Pegasus Group are seeing elsewhere with quantitative assessments.

It is also useful to see an updated turnover for the store and also its benchmarking against other convenience stores and also further clarification as to the discussion with the Council, prior to Pegasus Group’s involvement, that there is no need to consider a cumulative impact assessment.

The final point which should be explained further is the trade drawn to the store, especially the balance between:

- Amersham - claims around 25.7% of zone 2’s trade, but is subject to a diversion of 8% of the store’s trade,
- Others in Zone 2 - claim 5.2% of zone 2’s trade, but is subject to a diversion of 2% of the store’s trade,

- Others outside of zone 2 – claim 18.4% of zone 2’s trade, but is subject to a diversion of 25% of the store’s trade

A brief explanation as to how the applicant has arrived at these trade diversion figures would assist the final assessment and its conclusions.

Summary

It is welcome that the Applicant has provided further clarification on a number of matters set out in the original advice. This note provides further feedback on the updated assessment.

This note concludes that;

- Overall given the additional information provided by the Applicant and assuming that the land assembly point is confirmed by the Council in relation to the Red Lion site, it could be concluded that there are no sequentially preferable alternative sites for the development proposed;
- There are still shortcomings in terms of the vitality and viability assessments submitted by the applicant; and
- Further explanation needs to be provided in respect of the identified trade draw.

We trust this update is useful.

Thanks for the updated information from the Applicant, addressing the 3 outstanding matters which are:

- Red Lion Site;
- Vitality and viability assessments; and
- Trade draw

#### Red Lion

This is really a note for the Council to respond on, but the applicant is clear that no site assembly work has commenced. If this is the case, then the timescale for this to occur would likely prevent this from being a sequentially preferable site for the purposes of this assessment.

#### Vitality and viability assessments

Previous comments from Pegasus raised questions with the level of information provided within the vitality and viability assessments, making reference to the vitality and viability indicators in the PPG.

The additional information as to how the centres have performed over time is useful and provides some context as to the individual reliance (or not as the case may be) on the convenience goods sector. This also supports where the scheme may draw its trade from. This shows that Amersham on the Hill and Chesham have lower level of convenience provision than the national average, suggesting that they are not and indeed in the recent past haven't been reliant on convenience goods to support the centre. Coupled with this, both have good (higher than UK average) levels of comparison goods.

Both centres presented also have lower levels of vacancy than the UK average and this as remained so over time - notwithstanding that this vacancy data over time is not presented, Pegasus Group are aware of historic figures.

#### Trade Draw

Moving onto the additional comments provided on trade, it must be stated that Pegasus Group were not advocating the use of a 'gravity model' to consider impacts, merely the comments sought further clarity around the various trade draws presented. This was mainly to ensure that there was sufficient justification around the draws and the assumptions did not result in draws which effectively 'massaged' figures by increasing say clawback and reducing what would be a more localised impacts.

The overlap between Lidl's main food offer and the top up offer at Little Waitrose, M&S Foodhall and the Tesco Express and the remainder of Amersham is noted in the additional information. It is accepted that the Tesco store would be the subject of the largest trade drawn given that both the Aldi and this store would provide principally a main food shopping offer. The further clarification on the draw from other main food stores, mainly in Chesham and identified as 'other sores outside zone 2' is also noted.

Given the extra information and confirmation, the trade draws appear to be reasonable and would unlikely result in a significant adverse impacts on any centre.

#### Summary

In summary this additional confirmation, clarification and explanation assists in the audit of the Aldi proposal. It is now accepted that there are no sequentially preferable sites and the further information assists in considering the overall vitality of surrounding centres. In light of the trade draws the proposal would not result in an adverse impact.



## Report to East Area Planning Committee

---

<b>Application Number:</b>	PL/23/2669/FA
<b>Proposal:</b>	Change of use to Travellers caravan site consisting of 4 pitches and associated development.
<b>Site location:</b>	West Hyde Stables West Hyde Lane Chalfont St Peter Buckinghamshire SL9 0QP
<b>Applicant:</b>	Mr J M M Cash & Mrs M Green
<b>Case Officer:</b>	Melanie Beech
<b>Ward affected:</b>	Chalfont St Peter
<b>Parish-Town Council:</b>	Chalfont St Peter Parish Council
<b>Valid date:</b>	29 August 2023
<b>Determination date:</b>	4 April 2024
<b>Recommendation:</b>	Conditional permission

### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application site is located on the northern side of West Hyde Lane which is located on the eastern side of Chalfont St Peter. It is situated within the Green Belt and within Colne Valley Park.
- 1.2 The proposed development is for the change of use of land from an equestrian use to a travellers caravan site consisting of 4 pitches and associated development. Each pitch includes a mobile home and a touring caravan, as well as 2 car parking spaces and a private patio area. The existing stables are to remain at the southern end of the site. The development will use the existing access from West Hyde Lane. Extensive native tree planting and landscaping is proposed in and around the site.
- 1.3 The development is inappropriate development in the Green Belt which is harmful by definition. In addition, there is harm to the openness of the Green Belt and moderate harm to the character of the area.
- 1.4 The benefits of the proposed development are that it makes a significant contribution to the Council's need to provide Gypsy and Traveller Pitches (of which there is currently a deficit of 4 pitches) on land that is outside of the Chilterns Area of Outstanding Natural

Beauty (AONB) and which is not constrained by the Chiltern Beechwoods Special Area of Conservation (SAC). It is also close to a built-up area but without having a detrimental impact on neighbouring properties in planning terms. There are no identified issues with regard to highways or flooding, and there is an opportunity to provide a net gain in biodiversity, and enhance the appearance of the site along West Hyde Lane by reinstating a previously lost hedgerow.

- 1.5 Furthermore, the personal circumstances of this case are compelling. The intended occupiers of this site are currently residing at an unlawful site on Cholesbury Lane in Buckland Common. The Enforcement Notice requiring them to vacate that land came into effect on 7<sup>th</sup> February 2024 and therefore if this application is refused, there is a real risk of them being made homeless. The family in question have provided detailed information on their medical and educational needs, and approving this application would provide them with suitable accommodation.
- 1.6 Officers have carried out a planning balancing exercise and conclude that in this case, the harm identified is clearly outweighed by other considerations and as such are recommending approval of the application, subject to conditions.
- 1.7 The application is brought to Committee at the request of Councillor Isobel Darby and Councillor Linda Smith.

## **2.0 Description of Proposed Development**

- 2.1 The application site is located on the northern side of West Hyde Lane which is located on the eastern side of Chalfont St Peter. It is situated within the Green Belt and within Colne Valley Park. It is also located within the area covered by Chalfont St Peter Neighbourhood Plan.
- 2.2 To the north of the site are two dwellings and woodland, to the east is Pipwood Kennels and Cattery, and to the west is Robertswood School. The site is currently in equestrian use with a stable block and hardstanding located at the southern end of the field.
- 2.3 The application seeks planning permission for the “change of use to travellers caravan site consisting of 4 pitches and associated development”. Each pitch includes a mobile home and touring caravan, with two additional parking spaces. There are proposed native woodland buffers and native understorey buffers at the northern end of the site, and proposed native hedgerow planting along the edge of a new access drive situated to the west of the new pitches.
- 2.4 The existing stable block will be retained but some of the existing hardstanding will be replaced with ornamental grass lawn to be seeded with a flowering lawn mix.
- 2.5 The proposed development will make use of the existing access from West Hyde Lane but the existing timber retaining wall, close boarded fence and solid gates will be removed. The banks will be graded to a smooth slope.
- 2.6 The agent for this application has confirmed that the future site occupants have ethnic Traveller status.
- 2.7 The application is accompanied by:
  - a) Landscape Design Statement, May 2023
  - b) Ecology and Trees checklist
  - c) Waste and Recycling Strategy
  - d) Preliminary Ecological Appraisal, October 2023



- e) Biodiversity Metric, January 2024
- f) BNG Baseline and proposed Habitats, January 2024
- g) Drainage Strategy, January 2024
- h) Appeal Decision for Cholesbury Lane, Buckland Common, Buckinghamshire, February 2023.
- i) Appeal Decision for Southend Arterial Road, Wickford, Essex, November 2022.
- j) Appeal Decision for Alan's Hectare, Cemetery Lane, Hadlow, September 2023.
- k) Medical Report for xxx, October 2023
- l) Medical Reports for xxx, July 2020, June 2021 and April 2023
- m) Proof of Evidence of xxx for Cholesbury Lane Appeal, November 2021
- n) Statement relating to the Educational Needs of occupiers of Meadowview Caravan Park, Cholesbury Lane, Buckland Common, Buckinghamshire, January 2024
- o) Letter from Head of Gypsy Section at Hertfordshire County Council, November 2021.
- p) Press cutting from Bedfordshire Bulletin, February 2021.

### 3.0 Relevant Planning History

- 3.1 **PL/19/4001/SA** - Creation of a new vehicular access – Certificate granted, 20 January 2020.
- 3.2 **PL/20/1031/FA** - Change of use of the land from agricultural to equestrian and the erection of a stable block and associated hardstanding – Withdrawn 19 October 2020.
- 3.3 **PL/20/2634/FA** - Change of use of the land from agricultural to equestrian and the erection of a stable block and associated hardstanding – Conditional Permission 5<sup>th</sup> November 2020.
- 3.4 **PL/21/0017/FA** - Change of use of land to equestrian and construction of a block of four stables, tack room and store together with a separate hay barn – Refused 30 June 2021, dismissed at appeal 30<sup>th</sup> May 2022.
- 3.5 **PL/21/0471/FA** - Construction of outdoor manege and horse walker – Refused 9<sup>th</sup> May 2021, dismissed at appeal 30<sup>th</sup> May 2022.
- 3.6 **PL/21/3198/VRC** - Variation of condition 4 of planning application PL/20/2634/FA (Change of use of the land from agricultural to equestrian and the erection of a stable block and associated hardstanding) to allow amendment to roof – Refused 5<sup>th</sup> October 2021.
- 3.7 **PL/22/3548/FA** - Change of use of stables and store (with the addition of windows and doors) to dwellinghouse (Use class C3) – Refused 10<sup>th</sup> March 2023.

### 4.0 Summary of Representations

- 4.1 At the time of drafting this report, 5 representations have been made on the application, all of which object to the proposal.
- 4.2 Chalfont St Peter Parish Council object to the proposed development for the following reasons:
  - West Hyde Lane is a very narrow country lane in the Green Belt, to the rear of Robertston School.
  - The applicant cut down all the verge

- Chalfont St Peter Neighbourhood Plan Policy PW12 states that “if additional plots for travellers are needed, the further development of around 6 pitches on the existing approved site, The Orchards, will be supported”.
- The extra caravans with associated cars/vans will add to the already chaotic traffic around Robertswood School
- Inappropriate development in the Green Belt (NPPF and Core Strategy Policy CS14).
- Allocation of pitches should form part of assessment.
- Not aware that site has ever been used for equine purposes.
- “We strongly object to this application which will have a huge impact on the openness of this green belt countryside and add to the proliferation of travellers sites in this part of our village”.

4.3 Consultation responses have been received from the Planning Policy Team, Lead Local Flood Authority (LLFA), Ecology Officer, Tree Officer, Highway Authority, Waste Development Team, Environmental Protection Team and British Pipeline Agency.

4.4 A summary of these comments is set out in Appendix A of this report.

## 5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), December 2023.
- Planning Policy for Traveller Sites (PPTS), August 2015.
- Core Strategy for Chiltern District - Adopted November 2011: CS4, CS8, CS14, CS20, CS24, CS25, CS26, CS31.
- Chiltern Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011: GC1, GC3, GC4, GC10, GB2, TR2, TR3, NC1.
- Chalfont St Peter Neighbourhood Plan 2013 – 2028.
- Buckinghamshire Countywide Parking Guidance September 2015
- Biodiversity Net Gain Supplementary Planning Document, July 2022
- Aylesbury Vale, Chiltern, South Bucks, and Wycombe District Councils Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) – ORS, February 2017.

### Principle and Location of Development

Core Strategy Policies:

CS14 (Sites for Gypsies and Travellers and sites for Travelling Showpeople)

Local Plan Saved Policies:

GB2 (Development in general in the Green Belt)

- 5.1 The application site is within the Green Belt where, in accordance with Section 13 of the National Planning Policy Framework (NPPF), most development is considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 5.2 Paragraphs 154 and 155 of the NPPF set out categories of development which are not considered to be inappropriate in the Green Belt. However, the stationing of caravans does not fall into any of the exceptions and therefore the development is inappropriate development, which is harmful by definition. This harm must be afforded substantial weight. Paragraph 153 of the NPPF states 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.

- 5.3 Policy GB2 of the Adopted Chiltern Local Plan relates to development in the Green Belt and is broadly consistent with the aims of the NPPF. The policy lists the forms of development which are not inappropriate and traveller sites do not fall within any of the types of development listed.
- 5.4 Policy CS14 of the Core Strategy for Chiltern District specifically refers to Sites for Gypsies and Travellers and Sites for Travelling Showpeople. This policy makes it clear that Gypsy and Traveller sites constitute inappropriate development within the Green Belt.
- 5.5 This report sets out an assessment of the development to identify any harm as well as any benefits, so that a considered conclusion can be made as to whether the harm resulting from the proposal is clearly outweighed by other considerations that equate to very special circumstances.

### **Openness of the Green Belt**

- 5.6 The fundamental aim of Green Belt policy is outlined in paragraph 142 of the NPPF which 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". Paragraph 143 then lists the five purposes of the Green Belt, including to assist in safeguarding the countryside from encroachment.
- 5.7 In this case, the existing site is in equestrian use and aside from the existing stable building and associated hardstanding, is free from built form. Therefore the introduction of 4 mobile homes, 4 touring caravans and associated hardstanding and domestic paraphernalia, would have a detrimental impact on openness and encroach into the countryside. It is noted however, that there is built form on three sides of the field where the proposed development is located.

### **Landscape and Visual Impact**

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

Local Plan Saved Policies:

GC1 (Design of development throughout the district)

GC4 (Landscaping throughout the district)

- 5.8 As stated above, the existing site is in equestrian use, and aside from the existing stable building and associated hardstanding at the southern end of the site, is only occupied by paddocks and low-level post and rail fencing. The character is therefore rural in nature but it is acknowledged that there is development on three sides of the field (including Robertswood School to the west, nos.63a and 63b Denham Lane to the north, and Pipwood Kennels to the east).
- 5.9 Introducing 4 mobile homes and touring caravans with associated hardstanding and domestic paraphernalia will cause a degree of harm to the rural character of the location. However, it is noted that the application is accompanied by a landscape design statement, which demonstrates that the proposed development has been sited at the eastern edge of the field to minimise its impact on the wider landscape. In addition, extensive native planting is proposed within and around the site which will help to soften the appearance of the development. Finally, it is proposed to replace the existing high level close boarded fences and gates at the front of the site with post and rail

fencing and landscaping. This will be an improvement to the character and appearance of the area.

- 5.10 The site is located within Colne Valley Park, a large area to the west of London which was established in 1967 to improve the countryside which had been affected by extensive gravel works. However, it is not within the Chilterns Area of Outstanding Natural Beauty (AONB) which have the highest status of protection in relation to conserving and enhancing landscape and scenic beauty.

#### **Transport matters and parking**

Core Strategy Policies:

CS25 (Dealing with the impact of new development on the transport network)

CS26 (Requirements of new development)

Local Plan Saved Policies:

TR2 (Highway aspects of planning applications)

TR3 (Access and road layout)

- 5.11 The development makes use of the existing access from West Hyde Lane. In consultation with the Highway Authority, the additional vehicular movements can be accommodated onto the highway and adequate visibility splays can be achieved.
- 5.12 Each pitch has two car parking spaces which are of adequate dimensions and the number of spaces provided being acceptable in this instance. There is also sufficient space within the site for the parking and turning of vehicles.
- 5.13 The comments from local residents relating to vehicular movements are acknowledged. However, paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Based on the comments from the Highway Authority, it is not considered that the development would cause an unacceptable impact on highway safety and as such, no objections are raised in this regard.

#### **Amenity of existing and future residents**

Local Plan Saved Policies:

GC3 (Protection of amenities)

- 5.14 Local Plan Policy GC3 refers to the protection of amenities. It states that the Council will seek to achieve good standards of amenity for the future occupiers of that development and to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties. Where amenities are impaired to a significant degree, planning permission will be refused.
- 5.15 There are 2 residential properties located approximately 100m – 130m north-west of the application site. The rear boundary of Robertswood School is located approximately 60m to the west. The concerns from the school and from local residents are acknowledged, however there are only certain matters that can be considered as material planning matters. This includes any loss of privacy, loss of light, development being overbearing, or unacceptably noisy.
- 5.16 Given the considerable distance between the proposed caravans and the neighbouring properties, it is not considered that neighbouring amenity would be impaired to a significant degree. However, given that the land edged in blue (and owned by the applicant) adjoins the playground of the neighbouring school, it seems reasonable to

require the applicant to provide fencing and/or planting along this shared boundary. This can be secured by condition.

- 5.17 With regard to the future occupiers of the site, there is adequate space, privacy and facilities for each pitch and therefore no objections are raised in this regard. There is also sufficient space for bin storage and no objections are raised from the Council's waste team. To ensure that waste is appropriately stored and presented at the road edge on collection day, it is considered reasonable to require details of the bin storage to be submitted to and approved in writing by the Local Planning Authority.

### **Flooding and drainage**

Core Strategy Policy:

CS4 (Ensuring that development is sustainable)

Local Plan Saved Policy:

GC10 (Protection from flooding)

- 5.18 The application site is located in an area which has a very low risk of surface water flooding and a negligible risk of groundwater flooding.
- 5.19 With regard to surface water drainage, the applicant has addressed the comments provided by the Lead Local Flood Authority (LLFA) and based on the submitted information, no objections are raised in this regard subject to a condition requiring a surface water drainage scheme to be submitted to and approved in writing by the Local Planning Authority. This shall be based on the Drainage Strategy (1410, January 2024) which has been reviewed by the LLFA.

### **Ecology**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

Local Plan Saved Policies:

NC1 (Safeguarding of nature conservation interests)

- 5.20 Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment through a number of measures. These include protecting and enhancing valued landscapes and sites of biodiversity or geological value, and minimising impacts on and providing net gains for biodiversity. Paragraph 185 says that to protect and enhance biodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for seeking measurable net gains for biodiversity.
- 5.21 Paragraph 186 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles; a) 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, then planning permission should be refused; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 5.22 In terms of the Development Plan, Policy CS24 of The Core Strategy states that the Council will aim to conserve and enhance biodiversity. In particular, development

proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion, of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. Where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest.

- 5.23 In July 2022, the Council adopted the Biodiversity Net Gain Supplementary Planning Document (BNG SPD) which requires development to result in a net gain for biodiversity.
- 5.24 In this regard, the application is accompanied by a Preliminary Ecological Appraisal (prepared by Co-Ecology, October 2023) and a biodiversity metric which has been updated during the course of the application. These have been reviewed by the Council's Ecology Officer, who raises no objection to the application, subject to conditions.
- 5.25 The Ecology Officer notes the prior removal of the native tree line along the road, which is regrettable. She advises that this should be replaced by native tree planting. Furthermore, native tree planting or a native hedgerow should be planted along the boundaries of the red edged site. Additional habitat creation within the blue edged site (which is under the applicant's ownership) should also include "other neutral grassland" or "modified grassland". Other biodiversity enhancements should also be incorporated into the development, including bat and bird boxes, and piles of logs in suitable locations within the site.
- 5.26 Provided these measures are implemented, the Ecology Officer has confirmed that the development can result in a biodiversity net gain. The recommended conditions include the submission and approval of a Landscape and Ecological Management Plan (LEMP) which will secure habitat creation/enhancement and long-term management of the trees and hedgerows for a minimum period of 30 years. It is also recommended that a Construction Environmental Management Plan (CEMP) be submitted to and approved by the local planning authority, to safeguard protected and notable species and the nearby ancient and priority woodland during construction.

### **Trees**

- 5.27 Policy GC4 of the Local Plan seeks to protect existing established trees and hedgerows in sound condition and of good amenity and wildlife value. It is noted that an old hedgerow, including several large oak trees, was completely removed on the road boundary when the access was created in 2020. This loss is regrettable and the proposed native tree and hedgerow planting would help compensate for this loss and restore some of the rural character to this part of West Hyde Lane.
- 5.28 In consultation with the Tree Officer, the proposed development would not require any further tree or hedgerow loss and therefore no objections are raised to the application.

### **Gypsy and Traveller Accommodation Needs**

- 5.29 The relevant policy for the consideration of the needs of the travelling community in this area is in the Adopted Core Strategy for Chiltern District (2011). Policy CS14 of the Core Strategy refers to the provision of additional traveller sites and sets out the key principles for considering sites in the Green Belt.

### **Evidence of traveller accommodation needs.**

- 5.30 The level of future need for new pitches for Gypsies and Travellers has been assessed in a joint study across Buckinghamshire. This is the Aylesbury, Chiltern, South Bucks and Wycombe Gypsy, Travellers and Travelling Showpeople Accommodation Needs

Assessment (2017). This Assessment, known as the GTAA, was carried out for the then Buckinghamshire District Councils by the independent consultants Opinion Research Services (ORS).

- 5.31 Reference is made to this assessment as it is the most recent information available. It supersedes the information on Traveller needs which is referred to in paragraph 11.5 of the Core Strategy.
- 5.32 The GTAA shows whether households which were subject of its surveys complied with the Government’s definition of travelling in Annex 1 of Planning Policy for Traveller Sites (August 2015). It provides an estimate of pitches needed according to whether households were travelling, non- travelling or where their travelling habits were unknown.
- 5.33 The proposed site was not included in the GTAA as it is a newly proposed site.
- 5.34 The results of the GTAA for the relevant part of Buckinghamshire are summarised in the table below.

Table 1 – Needs for 2026 – 2036.

Type of need	Immediate	Longer term	Longer term	Longer term	
Years	0-5	6-10	11-15	16-20	
	2016-21	2021-26	2026-31	2031-36	Total
East Gypsies and Travellers (non-travelling)	8	2	2	3	15

- 5.35 The position on needs shown above, which is not restricted to meeting the needs of only those travellers who comply with the Government’s definition of traveller in its Planning Policy for Traveller Sites (PPTS) is in accordance with the Court decision on the Lisa Smith case. This case which found the application of the Government’s definition of travellers in its PPTS to be discriminatory and that there wasn’t proposed justification for that discrimination. (Court of Appeal judgement: 'Lisa Smith -v- The Secretary of State for Levelling Up, Housing and Communities and Other – 31 October 2022<sup>1</sup>.)
- 5.36 Since then, the PPTS has been amended. It’s definition of travellers for planning purposes does not now exclude those travellers who no longer travel (December 2023).

#### **Progress towards meeting needs**

- 5.37 Since the GTAA was published seven pitches have been permitted / tolerated in the East area. These were on two existing traveller sites in the Green Belt at Chalfont St Peter and off the A404 in Amersham Parish, as show in Table 2 below. There are no Local Plan allocations for new pitches in the East area.

Five-year needs and supply for the years 2022 – 2028.

<sup>1</sup> [Microsoft Word - Smith judgment 31 October 2022.docx \(no5.com\)](#)

5.38 Calculation of needs has to take into account supply and needs shown in the GTAA for previous years. In particular, it has to account for un-met needs from previous years. The calculation below has also included an estimate based on a proportion of need arising from the third phase of needs shown in the GTAA. The calculation includes planning permissions for new pitches and a tolerated site.

5.39 There is a deficit of 4 pitches. The calculation is shown in the following table. This is up to date as of 16 January 2024.

Table 2 - East area Gypsy and Traveller Pitches Five Year supply

	All types of Gypsy and Traveller households	Site	Number of pitches	Legend
Number of pitches needed from the GTAA. 2016-2021	8		8	
Number of pitches granted and delivered 2016-2021		Three Oaks Farm Chalfont St Peter PL/18/3194/FA	5	
Remaining GTAA needs to 2021			3	A
Number of pitches needed from the GTAA. 2021-2026	2		2	B
Total GTAA needs. 2021-2026, including past un-met needs			5 (A+B)	C
Number of pitches granted and delivered 2021-2026	2	Waggoners Bit, Amersham 2 pitches tolerated	2	D
Remaining GTAA needs to 2026		3	(C-D)	E
Number of pitches needed. 2026 – 2027	0.4		(Total needs of 2 divided by 5 years to give annual rate)	F
Number of pitches needed 2027 - 2028	0.4		(Total needs of 2 divided by 5 years to give annual rate)	G
<b>Total GTAA needs for Five Year Supply<sup>1</sup> Position</b>	4 (rounded up from 3.8)		(E+F+G)	



<b>2023/24 -2027/28</b>				
Supply of new pitches	0			
<b>Overall, 5 Year Supply Position 2023 - 2028</b>	<b>Deficit of 4 pitches</b>			

The pitches which are subject of this application would make a significant contribution towards meeting five-year needs.

- 5.40 The impact of the new pitches on the Five-year supply is an important consideration for this planning application. As the site is in the Green Belt new pitches would be inappropriate development and so the evaluation of the impact on needs should also be considered alongside the issue of whether compelling and robust evidence of very special circumstances has been provided in support of this planning application whether this would override and the harm to the Green Belt.

**Cultural needs for new accommodation**

- 5.41 The Council needs to have regard to the accommodation needs of protected groups whose cultural needs are for mobile homes / caravans, not living in bricks and mortar.
- 5.42 The Public Sector Equality Duty relates to the elimination of racial discrimination and promote equality of opportunity and the requirements of the Human Rights Act 1998. Section 124 of the Housing and Planning Act 2016 is also relevant. This refers to the duty to consider the needs of those resorting to / residing in caravans. As a result, there is a duty for the Council to have regard to the specific needs of these groups in carrying out their functions as a local housing authority, which in turn links into the Councils’ role in determining planning applications. Planning for the housing needs of different groups is also referred to in the NPPG (Paragraph 001 Reference ID: 67-001-20190722. Revision date: 22 07 2019).
- 5.43 The agent for this application has confirmed that the site occupants have ethnic Traveller status. Therefore, the occupants’ needs for a specific type of accommodation does need to be afforded some weight as part of the consideration of this planning application.

**Very special circumstances**

- 5.44 Paragraph 152 of 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 153 goes onto say 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.
- 5.45 As outlined in the assessment above, harm has been identified with regard to the Green Belt, which must be afforded substantial weight. Harm has also been identified with regard to the character of the area, but given that the proposed caravans are sited at the edge of the field which is well screened by vegetation on land which has limited built form on 3 sides, this harm is given moderate weight.

- 5.46 The benefit of the development is that it provides 4 pitches for gypsy and travellers which makes a significant contribution towards meeting the area's need for this type of accommodation. This benefit should be afforded significant weight. Furthermore, the site is located outside of the AONB on land that is adjacent to the built-up area of Chalfont St Peter. It has also been identified that there would be no planning harm to the amenities of neighbouring properties or existing trees, and that a suitable surface water drainage scheme can be provided. Finally, there is an opportunity to enhance the appearance of the site frontage along West Hyde Lane and provide for a biodiversity net gain.
- 5.47 As well as the benefits listed above, the applicant has provided detailed personal circumstances in order to try and justify the need for this type of accommodation in this location. This includes medical information and a statement of educational needs for the intended occupiers of the site and details of why it would not be suitable for them to share alternative sites with other travellers.
- 5.48 It is noted that Chalfont St Peter Parish Council object to the application and that Policy PW12 of the Chalfont St Peter Neighbourhood Plan says that "if additional plots for travellers are needed, the further development of around six pitches at the existing approved site, The Orchards, will be supported". Although the Parish Council would prefer additional pitches to be located at The Orchards, this application has to be assessed on its own merits and the proposal here is for 4 new pitches to the north of West Hyde Lane.
- 5.49 The Design and Access Statement submitted with the application confirms that the intended occupiers of this site are Travellers, who are currently residing at an unauthorised site on Cholesbury Lane in Buckland Common. An application to change the use of that site to residential for members of the Traveller Community and the provision of static and touring caravans was refused by the Council on 23<sup>rd</sup> September 2020 (PL/20/1835/FA). An Enforcement Notice was subsequently served and appeals were made against both the refusal of planning permission and the Enforcement Notice. All of the appeals were dismissed and the Enforcement Notice which was upheld at appeal (although the time for compliance was extended) gave the occupiers of the site until 7<sup>th</sup> February 2024 to vacate the site in order to comply with the enforcement notice.
- 5.50 In issuing the appeal decision, the Inspector stated the following; "Should this appeal be dismissed, I understand that the site occupants would likely become homeless and would need to return to travelling, including possibly staying on the roadside. There is a risk this would result in the children being removed from their current education provision. It would make links to health care more difficult, especially as constant monitoring is required for at least two children...That could have a significant impact on the children's development whose best interests are a primary consideration in this appeal". The Inspector said that "The needs of the appellants in this case are particularly compelling. The appellants need to find suitable alternative accommodation. Living by the roadside or in temporary accommodation within touring caravans, taking account of their particular circumstances and the best interests of the child, would result in significant harm to these families".
- 5.51 In weighing up all the issues, the Inspector dismissed the appeals because it was considered that the circumstances of the case did not amount to the very special circumstances necessary to outweigh the Green Belt harm and any other harm. It is

important to note that unlike the site at West Hyde Lane being considered under this application, the site at Cholesbury Lane is within the Chilterns AONB and within the Zone of Influence of the Chiltern Beechwoods Special Area of Conservation (SAC). The development therefore resulted in harm to a protected landscape and harm to ecology and biodiversity.

- 5.52 Granting permission for 4 pitches at West Hyde Lane would provide this vulnerable family with suitable accommodation on land which is close to the built-up area, outside of the AONB and Chiltern Beechwood SAC zone. This should be given very significant weight.

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

- 6.1 The proposed development is inappropriate development in the Green Belt, which is harmful by definition. In accordance with paragraph 153 of the NPPF, this harm should be given substantial weight. In addition, there is harm to the openness of the Green Belt and moderate harm to the character of the area.
- 6.2 The benefits of the proposed development are that it makes a significant contribution to the Council's need to accommodate a Five Year Supply of Gypsy and Traveller pitches, on land that is outside of the AONB and Chiltern Beechwood SAC zone, and located close to the built up area of Chalfont St Peter but without having an adverse impact in planning terms on any neighbouring properties. There is also suitable access, no issues in relation to flooding, and the opportunity to enhance biodiversity and the appearance of the site from West Hyde Lane.
- 6.3 Also of great significance is that it would provide suitable accommodation for a vulnerable family who would otherwise be at risk of being made homeless as the Enforcement Notice requiring them to vacate their current site at Cholesbury Lane came into effect on 7<sup>th</sup> February 2024.
- 6.4 In weighing up the harm vs the benefit, in this case the identified harm is considered to be clearly outweighed by the benefits and as such the application is recommended for approval, subject to conditions.

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

- 7.1 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 was focused on seeking solutions to the issues arising from the development proposal. In this respect, officers advised the agent that additional/amended information would be required in relation to biodiversity and surface water drainage. This information was provided by the agent and accepted by the Council. The agent was kept informed of consultation responses and anticipated timescales for a determination of the application.

## **8.0 Human Rights**

- 8.1 In considering the Human Rights implications of the proposal, it is necessary to carry out a balancing exercise weighing the harm arising to the public interest against the applicant's right to respect for private and family life, home, and amongst other things, the law. Article 8 of the European Convention on Human Rights states that everyone has the right to respect for his private and family life, his home and correspondence. However, this right is not absolute but is qualified to allow public authorities to act "as in accordance with the law and as is necessary in a democratic society in the interest of

national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of rights and freedoms of others".

- 8.2 Planning law allows Councils as Local Planning Authorities to make decisions on planning applications in the public interest. The policies in the development plan set out the policies and criteria, in accordance with Government policy and advice, for making decisions on applications for Gypsy sites in the Green Belt and AONB.
- 8.3 It is acknowledged that to refuse or indeed to grant only a temporary planning permission for this development results in an interference with the occupiers' rights to the enjoyment of their possessions under Article 1 of the first Protocol of the Human Rights Act 1998 and rights to home and family life under Article 8. However, it is necessary to balance such interference against the issues of wider public interest in respect of the significant harm identified to the Green Belt, and the moderate harm to the character of the area.
- 8.4 In this case it is considered that the harm to the issues of wider public interest as identified above do not outweigh the applicants rights under Article 8 and Article 1 of the First Protocol. The right to a fair trial under Article 6 is protected through the established appeal procedure.

#### **9.0 Recommendation:** Conditional permission

Subject to the following conditions:

1. The development to which this permission relates must be begun before the expiration of three years from the date of 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 91 (1) of the Town & Country Planning Act 1990, as amended.
2. No other part of the development shall begin 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. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 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.
3. The scheme for the parking of vehicles shown on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.  
Reason: To enable vehicles to draw off, park, and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.
4. No development above ground level shall take place until full details of soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include trees to be retained showing their species, spread and maturity and include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. These works shall be

carried out as approved within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

Reason: To help the development integrate with the character of the area and ensure biodiversity net gain on site.

5. Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.

Reason: To help the development integrate with the character of the area and ensure biodiversity net gain on site.

6. Prior to occupation of the development hereby permitted, full details of the means of enclosure to be retained or erected as part of the development including those between the individual gardens of the approved units and on the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall then be erected prior to occupation and maintained in accordance with the plans approved by the Local Planning Authority.

Reason: To safeguard, as far as possible, the visual amenities of the locality and the amenities of the adjoining properties and approved plots.

7. Prior to occupation of the development hereby permitted, details of the waste and recycling bin storage shall be submitted to and approved in writing by the Local Planning Authority. The bin storage shall then be implemented in accordance with the approved details prior to occupation of the development hereby permitted and shall not thereafter be used for any other purpose.

Reason: To provide satisfactory amenities for future occupiers of the development and to safeguard, as far as possible, the visual amenities of the locality.

8. Before any construction works hereby approved are commenced, a Construction Environmental Management Plan (CEMP) detailing, in full, measures to protect existing habitat during construction works and to safeguard protected and notable species, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should be completed in accordance with the British Standard on Biodiversity BS 42020:2013 with these details below:

- a) Details of what biodiversity features could be impacted on and what development activities could be potentially damaging
- b) A rolling timetable of when and where specific measures to avoid / reduce impacts are to be carried out including any seasonal or legal implications (e.g. the bird nesting season) and who is responsible
- c) Details of method statements for specific biodiversity issues (e.g. for specific destructive activities such as: vegetation clearance, hedgerow removal, tree felling, soil stripping and building demolition)
- d) Identify all practical measures (e.g. fencing, protective barriers and warning signs) and sensitive working practices to avoid impacts
- e) Details of inspections to ensure wildlife do not become trapped in excavations or machinery
- f) Details of other responsible person and lines of communication on-site in relation to the implementation of the CEMP

- g) Details of contingency measures in the event of an accident or other potentially damaging incident (e.g. pollution incidents; how to deal with previously unrecorded protected species found during construction and restoration; unexpected bad weather; repair of damaged features etc.)
- h) Details of procedures to avoid pollution incidents (e.g. from fuel spills and site run-off based on an understanding of the wildlife interest at risk)
- i) Regular review of the implementation of CEMP throughout the construction / restoration phase to monitor effectiveness of mitigation measures and compliance with legal, planning and/or contractual requirements
- j) Details of biosecurity protocols / method statements to prevent spread of non-native species
- k) Temporary management of existing wildlife features during construction / implementation.

The development shall be undertaken and thereafter maintained in accordance with the approved CEMP.

Reason: To protect habitats and species of conservation importance.

9. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.
  - a) Description and evaluation of features to be managed within the red line and blue line boundaries of the site, including integrated bat boxes, bird boxes and log piles.
  - b) Ecological trends and constraints on-site and off-site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy CS24: Biodiversity and providing roosting features to species of conservation concern.

10. Prior to the occupation of the development hereby permitted, a "lighting design strategy for biodiversity" for shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - a) identify those areas/features on site that are particularly sensitive for bats and other nocturnal wildlife and that are likely to cause disturbance in or around their

breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure the survival of protected species that may otherwise be affected by the development.

11. No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on Drainage Strategy (1410, January 2024, Flume) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 173 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

12. Reporting of Unexpected Contamination: 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, and where remediation is necessary a remediation scheme must be prepared, 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.

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.

13. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and the plan numbers listed below unless the Local Planning Authority otherwise first agrees in writing.

TDA.2859.01 (Location Plan) received 14 August 2023

TDA.2859.03 (Sheet 1 of 2) received 6 December 2023

TDA.2859.03 (Sheet 2 of 2) received 6 December 2023

Reason: In the interest of proper planning and to ensure a satisfactory development of the site.

## **APPENDIX A: Consultation Responses and Representations**

### Councillor Comments

#### **Councillor Isobel Darby:**

I would like to call this application in regardless of the officer's recommendations. This site has been the subject of much local concern as to its previous change of use to stables and recent application to change use again to residential.

#### **Councillor Linda Smith:**

I would like to request that this application be decided by the Planning Committee.

### Chalfont St Peter Parish Council Comments:

Comments received 21<sup>st</sup> September 2023:

West Hyde Lane is a very narrow country lane in the green belt. This site is to the rear of Robertswood School.

Following the purchase of this land; applicant cut down all the verge trees and hedges alongside the site which were not in his ownership. This was an unwanted destruction of the verge causing much concern from Councillors and residents.

Secondly came an application for a change of use from agricultural to equestrian with a brick built stable block – 20/2634 which was allowed.

21/0017 – construction of block of four stables, tack room, store and hay barn – refused and dismissed on appeal.

21/0471 – construction of outdoor manage and horse walker – refused.

21/3198 – amendment to roof form of stable block – refused.

22/3548 – change of use of stables and store to dwellinghouse – refused

Chalfont St Peter currently has 3 sites for gypsies and travellers - all sited along West Hyde Lane.

This is a very narrow country lane with only two residential properties.

The Chalfont St Peter Neighbourhood Plan - Policy PW12 – states:

“if additional plots for travellers are needed, the further development of around 6 pitches on the existing approved site, The Orchards, will be supported”.

West Hyde Lane is in Green Belt.

These 8 extra caravans with associated cars/vans will add to the already chaotic traffic around Robertswood School at drop off and pick up times (evidenced in attached photos).

According to the National Planning Policy Framework this development should not be approved except in very special circumstances. Paragraphs 149 and 150 set out categories of development which can be considered appropriate. The stationing of caravans does not fall into any of the exceptions and therefore we consider this application is inappropriate development and harmful to the green belt.

Chiltern District Council's Core Strategy – page 53 – states that further assessment for homes for Gypsies and Travellers will be carried out as part of the DDP to assess the requirement to 2026. This



plan was withdrawn but the allocation of pitches should form part of the assessment in the emerging Buckinghamshire Council Local Plan.

Policy CS14 makes it clear that gypsy and traveller sites constitute inappropriate development within the green belt.

We are not aware that the site has ever been used for equine purposes which are obviously not now required. We strongly object to this application which will have a huge impact on the openness of this green belt countryside and add to the proliferation of travellers sites in this part of our village.”

Comments received 23<sup>rd</sup> November 2023:

Our previous objections still stand from A&P Committee on 18th September 2023.

We support objector from Robertswood’s School.

### Consultation Responses

#### **Planning Policy Team:**

Comments received on 11<sup>th</sup> October 2023:

#### Introduction

These comments set out information on Gypsy and Traveller accommodation needs and supply of pitches in the East area. This is a key issue for this planning application.

This is not an existing traveller site. It is located in the Green Belt. Local Plan policy background for traveller needs

The relevant policy for the consideration of the needs of the travelling community in this area is in the Adopted Core Strategy for Chiltern District (2011).

Policy CS14 of the Core Strategy refers to the provision of additional traveller sites and sets out the key principles for considering sites in the Green Belt.

#### Evidence of traveller accommodation needs

The level of future need for new pitches for Gypsies and Travellers has been assessed in a joint study across Buckinghamshire. This is the Aylesbury, Chiltern, South Bucks and Wycombe Gypsy, Travellers and Travelling Showpeople Accommodation Needs Assessment (2017). This Assessment, known as the GTAA, was carried out for the then Buckinghamshire District Councils by the independent consultants Opinion Research Services (ORS).

Reference is made to this assessment as it is the most recent information available. It supersedes the information on Traveller needs which is referred to in paragraph 11.5 of the Core Strategy.

The GTAA shows whether households which were subject of its surveys complied with the Government’s definition of travelling in Annex 1 of Planning Policy for Traveller Sites (August 2015). It provides an estimate of pitches needed according to whether households were travelling, non-travelling or where their travelling habits were unknown.

This site was not included in the GTAA.

The results of the GTAA for the relevant part of Buckinghamshire are summarised in the table below.

Table 1 – Needs for 2026 – 2036:

Type of need	Immediate	Longer term	Longer term	Longer term	
Years	0-5	6-10	11-15	16-20	
	2016-21	2021-26	2026-31	2031-36	Total
East Gypsies and Travellers (non-travelling)	8	2	2	3	15

The position on needs shown above, which is not restricted to meeting the needs of only those travellers who comply with the Government’s definition of traveller in its Planning Policy for Traveller Sites (PPTS) is in accordance with the Court decision on the Lisa Smith case. This case which found the application of the Government’s definition of travellers in its PPTS to be discriminatory and that there wasn’t proposed justification for that discrimination. (Court of Appeal judgement: 'Lisa Smith -v- The Secretary of State for Levelling Up, Housing and Communities and Other – 31 October 20221.)

Progress towards meeting needs

Since the GTAA was published seven pitches have been permitted / tolerated in the East area. These were on two existing traveller sites in the Green Belt at Chalfont St Peter and off the A404 in Amersham Parish, as show in Table 2 below.

There are no Local Plan allocations for new pitches in the East area.

Five-year needs and supply for the years 2022 – 2028.

Calculation of needs has to take into account supply and needs shown in the GTAA for previous years. In particular, it has to account for un-met needs from previous years. The calculation below has also included an estimate based on a proportion of need arising from the third phase of needs shown in the GTAA. The calculation includes planning permissions for new pitches and a tolerated site.

There is a deficit of 4 pitches. The calculation is shown in the following table. This is up to date as of 11.10.2023.

Table 2 - East area Gypsy and Traveller Pitches Five Year supply:

	All types of Gypsy and Traveller households	Site	Number of pitches	Legend
Number of pitches needed from the GTAA. 2016-2021	8		8	
Number of pitches granted and		Three Oaks Farm Chalfont St Peter	5	

delivered 2016-2021		PL/18/3194/FA		
Remaining GTAA needs to 2021			3	A
Number of pitches needed from the GTAA. 2021-2026	2		2	B
Total GTAA needs. 2021-2026, including past un-met needs			5 (A+B)	C
Number of pitches granted and delivered 2021-2026	2	Waggoners Bit, Amersham 2 pitches tolerated	2	D
Remaining GTAA needs to 2026		3	(C-D)	E
Number of pitches needed. 2026 – 2027	0.4		(Total needs of 2 divided by 5 years to give annual rate)	F
Number of pitches needed 2027 - 2028	0.4		(Total needs of 2 divided by 5 years to give annual rate)	G
<b>Total GTAA needs for Five Year Supply<sup>1</sup> Position 2023/24 -2027/28</b>	4 (rounded up from 3.8)		(E+F+G)	
Supply of new pitches	0			
<b>Overall, 5 Year Supply Position 2023 - 2028</b>	<b>Deficit of 4 pitches</b>			

The four pitches which are subject of this application would make a contribution towards meeting five-year needs as shown in table 2 above. The deficit of 4 would be addressed.

The impact of the new pitches on the Five-year supply is an important consideration for this planning application.

However, as the site is in the Green Belt, new pitches would be inappropriate development and so the evaluation of their impact on needs should also be considered alongside the issue of whether

compelling and robust evidence of very special circumstances has been provided in support of this planning application and whether this would override and the harm to the Green Belt.

#### Cultural needs for new accommodation

The Council needs to have regard to the accommodation needs of protected groups whose cultural needs are for mobile homes / caravans, not living in bricks and mortar. This is irrespective of whether those households comply with the definition of travelling in PPTS.

The Public Sector Equality Duty relates to the elimination of racial discrimination and promote equality of opportunity and the requirements of the Human Rights Act 1998.

Section 124 of the Housing and Planning Act 2016 is also relevant. This refers to the duty to consider the needs of those resorting to / residing in caravans. As a result, there is a duty for the Council to have regard to the specific needs of these groups in carrying out their functions as a local housing authority, which in turn links into the Councils' role in determining planning applications. Planning for the housing needs of different groups is also referred to in the NPPG (Paragraph 001 Reference ID: 67-001-20190722. Revision date: 22 07 2019).

There is very limited information about the need for the new pitches accompanying this planning application. There is a reference to a new residential site for Gypsies and Travellers in the Landscape Design Statement but there is no information on the intended occupiers of the site and their needs. The needs for a specific type of accommodation does need to be afforded some weight as part of the consideration of this planning application but there are very few details about this.

#### Information on the specific needs of households

It is essential that a planning application for inappropriate development within the Green Belt is accompanied by robust evidence of the personal circumstances of the households who are proposed to occupy the site. This detail will be assessed in the officers' report for the application. Without this evidence it will be difficult to show that very special circumstances exist to permit inappropriate development within the Green Belt.

#### Conclusion

It is essential that very special circumstances are demonstrated as this site is in the Green Belt. The general presumption against inappropriate development in the Green Belt is emphasised in the adopted Core Strategy Policy CS14. The new pitches would make a contribution to the Five-year supply of traveller pitches. This is an important consideration but is not of overriding significance if the application is unacceptable in other respects and not robustly supported by evidence of personal circumstances."

Comment received 18<sup>th</sup> January 2024:

#### Introduction

These comments set out information on Gypsy and Traveller accommodation needs and supply of pitches in the East area. This is a key issue for this planning application.

The site is located in the Green Belt and the Colne Valley Park.

#### Local Plan policy background for traveller needs

The relevant policy for the consideration of the needs of the travelling community in this area is in the Adopted Core Strategy for Chiltern District (2011).

Policy CS14 of the Core Strategy refers to the provision of additional traveller sites and sets out the key principles for considering proposed sites in the Green Belt.

Evidence of traveller accommodation needs.

The level of future need for new pitches for Gypsies and Travellers has been assessed in a joint study across Buckinghamshire. This is the Aylesbury, Chiltern, South Bucks and Wycombe Gypsy, Travellers and Travelling Showpeople Accommodation Needs Assessment (2017). This Assessment, known as the GTAA, was carried out for the then Buckinghamshire District Councils by the independent consultants Opinion Research Services (ORS).

Reference is made to this assessment as it is the most recent information available. It supersedes the information on Traveller needs which is referred to in paragraph 11.5 of the Core Strategy.

The GTAA shows whether households which were subject of its surveys complied with the Government’s definition of travelling in Annex 1 of Planning Policy for Traveller Sites (August 2015). It provides an estimate of pitches needed according to whether households were travelling, non-travelling or where their travelling habits were unknown.

The proposed site was not included in the GTAA as it is a newly proposed site.

The results of the GTAA for the relevant part of Buckinghamshire are summarised in the table below.

Table 1 – Needs for 2026 – 2036:

Type of need	Immediate	Longer term	Longer term	Longer term	
Years	0-5	6-10	11-15	16-20	
	2016-21	2021-26	2026-31	2031-36	Total
East Gypsies and Travellers (non-travelling)	8	2	2	3	15

The position on needs shown above, which is not restricted to meeting the needs of only those travellers who complied with the Government’s definition of traveller in the August 2015 version of its Planning Policy for Traveller Sites (PPTS), is in accordance with the Court decision on the Lisa Smith case. This case found the application of the Government’s definition of travellers in its August 2015 PPTS to be discriminatory and that there wasn’t proposed justification for that discrimination. (Court of Appeal judgement: 'Lisa Smith -v- The Secretary of State for Levelling Up, Housing and Communities and Other – 31 October 20221.)

Since then, the PPTS has been amended. It’s definition of travellers for planning purposes does not now exclude those travellers who now longer travel.

These Planning Policy comments are in accordance with the Lisa Smith case and with the amended version of PPTS (December 2023).

Progress towards meeting needs

Since the GTAA was published seven pitches have been permitted / tolerated in the East area. These were on two existing traveller sites in the Green Belt, one at Chalfont St Peter and the other off the A404 in Amersham Parish, as shown in Table 2 below.

There are no Local Plan allocations for new pitches in the East area.

Five-year needs and supply for the years 2023 – 2028.

Calculation of needs has to take into account supply and needs shown in the GTAA for previous years. In particular, it has to account for un-met needs from previous years. The calculation below has also included an estimate based on a proportion of need arising from the third phase of needs shown in the GTAA. The calculation includes planning permissions for new pitches and a tolerated site.

There is a deficit of 4 pitches. The calculation is shown in the following table.

This is up to date as of 16.1.2024. A new five-year position for 2024 – 2029 will be provided after March 2024.

Table 2 - East area Gypsy and Traveller Pitches Five Year supply:

	All types of Gypsy and Traveller households	Site	Number of pitches	Legend
Number of pitches needed from the GTAA. 2016-2021	8		8	
Number of pitches granted and delivered 2016-2021		Three Oaks Farm Chalfont St Peter PL/18/3194/FA	5	
Remaining GTAA needs to 2021			3	A
Number of pitches needed from the GTAA. 2021-2026	2		2	B
Total GTAA needs. 2021-2026, including past un-met needs			5 (A+B)	C
Number of pitches granted and delivered 2021-2026	2	Waggoners Bit, Amersham 2 pitches tolerated	2	D
Remaining GTAA needs to 2026		3	(C-D)	E
Number of pitches needed.	0.4		(Total needs of 2 divided by 5 years)	F

2026 – 2027			to give annual rate)	
Number of pitches needed 2027 - 2028	0.4		(Total needs of 2 divided by 5 years to give annual rate)	G
<b>Total GTAA needs for Five Year Supply<sup>1</sup> Position 2023/24 -2027/28</b>	4 (rounded up from 3.8)		(E+F+G)	
Supply of new pitches	0			
<b>Overall, 5 Year Supply Position 2023 - 2028</b>	<b>Deficit of 4 pitches</b>			

The 4 pitches which are subject of this application would make a significant contribution towards meeting five-year needs.

The impact of the new pitches on the Five-year supply is an important consideration for this planning application. As the site is in the Green Belt new pitches would be inappropriate development and so the evaluation of the impact on needs should also be considered alongside the issue of whether compelling and robust evidence of very special circumstances has been provided in support of this planning application whether this would override and the harm to the Green Belt. This is a matter for the case officer's report.

#### Cultural needs for new accommodation

The Council needs to have regard to the accommodation needs of protected groups whose cultural needs are for mobile homes / caravans, not living in bricks and mortar.

The Public Sector Equality Duty relates to the elimination of racial discrimination and promote equality of opportunity and the requirements of the Human Rights Act 1998.

Section 124 of the Housing and Planning Act 2016 is also relevant. This refers to the duty to consider the needs of those resorting to / residing in caravans. As a result, there is a duty for the Council to have regard to the specific needs of these groups in carrying out their functions as a local housing authority, which in turn links into the Councils' role in determining planning applications. Planning for the housing needs of different groups is also referred to in the NPPG (Paragraph 001 Reference ID: 67-001-20190722. Revision date: 22 07 2019).

The agent for this application has confirmed that the site occupants have ethnic Traveller status. Therefore, the occupants' needs for a specific type of accommodation does need to be afforded some weight as part of the consideration of this planning application.

#### Information on the specific needs of households

It is essential that a planning application for inappropriate development within the Green Belt is accompanied by robust evidence of the personal circumstances of the households proposed to occupy the site. This detail will be covered in the officers' report for the application.

## Conclusion

This proposed development is within the Green Belt and Colne Valley Park, and it is essential that very special circumstances are demonstrated if an application in the Green Belt were to be permitted. The general presumption against inappropriate development in the Green Belt is emphasised in the adopted Core Strategy Policy CS14. The new pitches will make a significant contribution to the Five-year supply of traveller pitches in this area. This is an important consideration for this application.”

### **Highway Authority:**

“West Hyde Lane is an unclassified rural road which in this location is subject to a speed restriction of 30mph. Proposals include the change of use to a travellers caravan site.

In terms of trip generation, I would expect a pitch to generate in the region of 4-6 vehicular movements (two-way) per day. As this is the case, I would expect the development as a whole to generate in the region of 16-24 vehicular movements (two-way). As this is the case, the access arrangements serving the site will need to be assessed in order to determine its suitability to accommodate the level of vehicular movements anticipated.

As West Hyde Lane 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 can confirm that these visibility splays can be achieved, both within land under the control of the applicant and land within the extent of the publicly maintained highway. The proposed access would measure 5m in width, which I can confirm is acceptable and would allow for the simultaneous two-way flow of vehicles in this location.

Within the site, I note that two parking spaces are provided per pitch. I can confirm that these parking spaces are of adequate dimensions, with the number of spaces provided being acceptable in this instance.

Mindful of the above, I have no objection to the proposals, subject to the following conditions being included on any planning consent that you may grant:

Condition 1: No other part of the development shall begin until the existing means of access has been altered and constructed in accordance with the Buckinghamshire Council guide note “Commercial Vehicular Access Within the Public Highway”.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

Condition 2: No other part of the development shall begin 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. The area

contained within the splays shall be kept free of any obstruction exceeding 0.6 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.

### **Waste Development Team:**

I have looked at the plans and there are no indicators on the site plans for bin storage location or collection point. It is stated within a waste and recycling strategy document that, bins will be brought



to the front of the site for collection without the need for waste vehicles to enter site and appropriate storage for containers within the curtilage of the property. Standard container provision for domestic households is one of each bin for refuse (180L), recycling (240L), paper/card box (55L) and food caddy (23L).

Provided consideration is given to enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction, and inconvenience to users of the adjoining highway and Highways have no objections, Waste services have no objections towards the proposal for waste and recycling provisions at property.

Residents to present their waste and recycling at the property boundary for kerbside collections. All collections to take place in accordance with Council policies.

### **Lead Local Flood Authority:**

Comments received 6<sup>th</sup> October 2023:

Buckinghamshire Council as the Lead Local Flood Authority has reviewed the information provided below:

- Site Location Plan (TDA.2859.01, May 2023, TDA)
- Proposed Site Layout & Outline Landscape (sheet 1 of 2) (TDA.2859.03, May 2023, TDA)
- Proposed Site Layout & Outline Landscape (sheet 2 of 2) (TDA.2859.03, May 2023, TDA)
- Existing Site Plan (TDA.2859.02, May 2023, TDA)

The LLFA objects to the proposed development due to insufficient information regarding the proposed surface water drainage scheme.

### Flood risk

The Risk of Flooding from Surface Water map (RoFSW) provided by the Environment Agency shows that the site lies in an area of very low risk of surface water flooding (meaning there is less than 0.1% likelihood of flooding occurring in a given year). An online version of this mapping data is available to view through the Environment Agency's Long term flood risk information mapping.

The Groundwater Flood Map (Jeremy Benn Associates, 2016) shows the groundwater level in the area of the proposed development to be within 5m of the ground surface for a 1 in 100-year return period. This means that there is negligible groundwater flood risk.

### Surface water drainage

The above application requires further detail regarding surface water management. From the information provided within the planning application documents submitted online, we consider that this is not sufficient in meeting our requirements to complete a SuDS Appraisal. Whilst the Proposed Site Layout & Outline Landscaping drawings indicate that permeable paving will deal with surface water runoff onsite, the applicant must submit further information regarding the proposed surface water drainage strategy in line with the guidance set out in this letter.

### Ground Investigations

The application form/drainage strategy states that the surface water runoff will be managed via infiltration. The applicant should be made aware that ground investigations including infiltration rate testing in accordance with BRE 365 is required to support this method of surface water disposal. If infiltration techniques are found to be unfeasible, or ground investigations are unable to be completed at this stage of the planning process, then an alternative discharge receptor will have to be investigated in line with the Drainage Hierarchy (paragraph 056 of the PPG).

## Infiltration Rate Testing

The applicant is required to complete site specific testing in accordance with BRE 365. Tests must be completed in the location (or as close as practically possible) and to the effective depth of the proposed infiltration component. Tests must be completed a minimum of three times and water should drain until nearly empty. The time taken for the trial pit to drain from 75% full to 25% full is then used to calculate the infiltration rate. The worst calculated rate from the three tests is then used to inform the storage calculations.

In line with Chapter 25 of the CIRIA SuDS Manual, full infiltration-based schemes which are reliant on a rate of less than  $1 \times 10^{-6}$  m/s are not permissible. For slower rates the LLFA may accept a partial infiltration (Type B) drainage schemes. In line with Chapter 25 of the CIRIA SuDS Manual, infiltration rates which have been extrapolated are not permissible.

## Calculations

The LLFA require calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus 40% climate change storm event should be safely contained on site. These calculations must include details of critical storm durations and demonstrate how the proposed system as a whole will function during different storm events. If any flooding occurs for the 1 in 100 year plus 40% climate change event, then we require details of where this flooding will occur and the volume of the flooding.

## Above-Ground SuDS Components

The LLFA encourage the applicant to investigate the inclusion of additional above-ground SuDS components such as active rainwater harvesting, tree pits, swales, and rain gardens and/or planters to meet the four Pillars of SuDS as defined in Section 2.1 of the CIRIA SuDS Manual (2015): water quantity, water quality, amenity, and biodiversity. It is worth noting that Paragraph 174 (d) of the NPPF specifies the requirement for developments to provide biodiversity net gains, and green roofs provide opportunities to meet this in developments where green space is limited.

## Drainage Layout

A surface water drainage layout will be required to show the location of the proposed components and the connectivity of the system. The layout must also show pipe numbers, gradients, and pipe sizes complete, together with storage volumes of all SuDS components. Details of overland flow routes in the event of system exceedance or failure should also be clearly shown to demonstrate that any flooding can be safely contained onsite.

## Construction Details

Construction drawings of all SuDS and drainage components included in the drainage strategy must be provided. Where applicable, this must also include any flow control device. All construction details must include cover and invert levels, depths/diameters of pipes, along with details of construction materials and demonstration of anticipated water levels for the calculated storm durations up to the 1 in 100 + 40% climate change allowance storm event.

## Water Quality Assessment

In order to meet the Water Quality assessment criteria an applicant must demonstrate their compliance in reducing the risk of pollutant run off into natural water systems. Often a combination of various controls to mitigate pollutant run off will be sufficient enough to meet the criteria. Controls or SuDS on the ground surface are preferable as they help to not exceed the pollution

hazard index. These methods can consist of permeable paving, green roofs and SuDS which prevent potentially harmful pollutants in all forms from entering eco-systems or our own water ways.

### Maintenance

A maintenance schedule for the surface water drainage system needs to be provided; it should include what maintenance tasks will be completed, who will be responsible for undertaking maintenance and how often the maintenance tasks will be completed.

We request that the applicant visit our website, where our requirements are clearly stated. Useful documents include our Developer Pack and Minor Applications Sustainable Drainage Guidance. Our minor guidance includes a checklist which should be completed and submitted alongside supporting documents; FAQs can also be found within this guidance which should also be reviewed.

Please take this letter as a formal request for information regarding management of surface water in the form of a comprehensive Drainage Strategy and accompanying Drainage Statement.

### Advice to LPA

If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.”

Comments received 12<sup>th</sup> December 2023:

“Buckinghamshire Council as the Lead Local Flood Authority has reviewed the information provided below:

- Site Location Plan (TDA.2859.01, May 2023, TDA)
- Proposed Site Layout & Outline Landscape (sheet 1 of 2) (TDA.2859.03, May 2023, TDA)
- Proposed Site Layout & Outline Landscape (sheet 2 of 2) (TDA.2859.03, May 2023, TDA)
- Existing Site Plan (TDA.2859.02, May 2023, TDA)
- Drainage Strategy (1410, 27/11/2023, Flume Consulting Engineers)
- West Hyde Stables - Surface Water Drainage Strategy (SK CIV01 1, 27/11/2023, Flume Consulting Engineers)

The LLFA objects to the proposed development due to insufficient information regarding the proposed surface water drainage scheme.

### Flood risk

The Risk of Flooding from Surface Water map (RoFSW) provided by the Environment Agency shows that the site lies in an area of very low risk of surface water flooding (meaning there is less than 0.1% likelihood of flooding occurring in a given year). An online version of this mapping data is available to view through the Environment Agency’s Long term flood risk information mapping.

The Groundwater Flood Map (Jeremy Benn Associates, 2016) shows the groundwater level in the area of the proposed development to be within 5m of the ground surface for a 1 in 100-year return period. This means that there is negligible groundwater flood risk.

### Surface water drainage

The applicant is proposing to manage surface water runoff generated by the proposed development using permeable paving to facilitate infiltration into the underlying geology. This approach adheres to the Drainage Hierarchy (paragraph 056 of the PPG). However, further information is required in support of the proposal.

## Ground Investigations

Results of infiltration rate testing has been provided indicating an infiltration rate of  $2.04 \times 10^{-4}$ . It is normally expected that the overall depth of the trial pit is equal to the depth of the proposed component (based on the provided construction drawing the proposed permeable paving is 450mm in depth), however, the applicant has used a trial pit with a depth of 700mm (the supporting photograph indicates a depth closer to 800mm- this should be clarified). A trial pit log indicating the encountered geology is required to determine whether the geology is the same at 450mm and 700mm. If geology is the same then no further testing is required, but if the geology varies between the depths additional testing will be required at the actual depth of the permeable paving (450mm) to demonstrate the viability of infiltrating in this geology.

It is not clear where the infiltration rate testing was undertaken onsite, and a map detailing the trial pit location is required. The applicant is also required to provide graphs to illustrate the fall in water level clearly showing the 75% and 25% marks.

It appears that testing has only been undertaken in one trial pit. The permeable paving is stated to be 45.8m in length; as per BRE 365, additional testing is required if the component is longer than 25m. Testing should be undertaken at intervals of 25m. This is to ensure that any variations in geology over the site are considered in the design of the permeable paving.

## Calculations

Whilst the applicant has provided calculations indicating that the system does not flood up to the 1 in 100 year +40% climate change storm event, further clarification is required in support.

Firstly, it appears that a flow control has been incorporated in the calculations. Based on the system being infiltration based, it is not expected that a flow control is necessary. If the system is designed to have an overflow, details of where the overflow will discharge to this must be provided. Calculations of the greenfield and brownfield runoff rates will be required should outfall offsite be proposed.

Clarification is also required regarding the modelled area of permeable paving. Both the length and width of the permeable paving have been modelled as 45.8m, this would result on an area of over 2000m<sup>2</sup>. Confirmation of the proposed area of permeable paving is requested to ensure that the right size has been modelled.

It is also noted that a safety factor of 10 is used within the calculations. Whilst this is not unacceptable, a safety factor of 2 is usually recommended. It is likely that a safety factor of 10 will result in a system much larger than is actually required to provided sufficient storage.

## Above-Ground SuDS Components

It is stated that the use of permeable paving will meet all four pillars of SuDS. The LLFA disagree with this statement- permeable paving does not provide biodiversity or amenity benefits. The applicant must investigate the inclusion of additional above-ground SuDS components such as active rainwater harvesting, tree pits, swales, and rain gardens and/or planters to meet the four Pillars of SuDS as defined in Section 2.1 of the CIRIA SuDS Manual (2015). Swales can be used alongside access roads to provide additional storage and promote infiltration. Rain gardens and planters can be used at plot-level. Without consideration of biodiversity or amenity, the LLFA will not remove its objection. A full assessment of SuDS components must be provided with sufficient justification for their exclusion where necessary.

### Drainage Layout

An indicative surface water drainage layout has been provided to show the location of the proposed permeable paving. It is not entirely clear if the entire access road will be constructed using permeable paving, or if it just the driveways. Clarification is required. The layout must also show the storage volumes and dimensions of all SuDS components. The drainage layout must be updated in line with any revisions made to the scheme including the addition of above-ground SuDS.

It is noted that the permeable paving is labelled as Type C. Type C permeable paving is lined whereas Type A is fully infiltrating. It is assumed this was done in error and should be updated.

Details of overland flow routes in the event of system exceedance or failure should also be clearly shown to demonstrate that any flooding can be safely contained onsite.

### Construction Details

Construction drawings of the proposed permeable paving have been provided. At detailed design, this must include demonstration of anticipated water levels for the calculated storm durations up to the 1 in 100 + 40% climate change allowance storm event.

Construction details of additional SuDS components such as rain gardens/planters, tree pits and swales must be included.

### Water Quality Assessment

The applicant has provided an indicative Water Quality Assessment for the proposed development. However, it is noted that only residential roofs have been used for the pollution hazard level. It is expected that the driveways and residential road is also considered for the assessment. Taking both the roofs and driveways/roads into consideration, it can be seen that the permeable paving does provide sufficient water quality benefits. The water quality assessment should be updated in line with any revisions made to the scheme.

### Maintenance

A maintenance schedule for the surface water drainage system has been provided; the LLFA require confirmation of who will be responsible for maintenance tasks. Given the shared nature of the proposed road, it is expected that a maintenance company is instated to avoid conflict or neglect of maintenance duties by residents. The maintenance schedule should be updated in line with any revisions made to the scheme.

### Outstanding Information

The following information is required in support of the proposal at this stage of the planning process.

Please note, this list does not provide an exhaustive summary and should be read in conjunction with the LLFAs formal comments above.

- Trial pit log
- Trial pit map
- Graphs of the infiltration rate testing
- Additional testing at 25m intervals along proposed permeable paving location
- Clarification regarding the use of a flow control in the calculations
- Details of outfall location if this is proposed
- Greenfield and brownfield calculations if discharging offsite
- Confirmation of area of proposed permeable paving
- Additional SuDS components such as swales, rain gardens/planters and tree pits to provide biodiversity and amenity benefits

- Updated drainage layout including storage volume and dimensions of permeable paving. Permeable paving label to be revised to "Type A"
- Drawing of overland flow routes
- Construction details of additional SuDS components
- Maintenance schedule to include additional components.

#### Advice to LPA

If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us."

Comments received 29<sup>th</sup> January 2024:

Buckinghamshire Council as the Lead Local Flood Authority (LLFA) has reviewed the information provided in the following documents:

- Drainage Strategy (1410, January 2024, Flume)

#### Surface water drainage

The applicant has provided the information requested in the LLFAs previous response.

I would request the following condition be placed on the approval of the application, should this be granted by the LPA:

Condition 1:

No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on Drainage Strategy (1410, January 2024, Flume) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason:

The reason for this pre-construction condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 173 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

#### **Ecology Officer:**

Latest Comments received 8<sup>th</sup> February 2024:

#### Summary

No objection, subject to conditions

Inadequate information relating to biodiversity net gain was so far submitted, however in light of the blue line boundary of the application site that is under the applicant's ownership and subject to appropriate habitat creation/enhancement within both the red line and the blue line boundary I have no objection to the proposal.

#### Discussion

Various revisions of a biodiversity metric and a proposed habitats plan have been submitted since our previous comments to the application.

The latest metric that was submitted was a statutory metric and a proposed habitat plan illustrating the creation of 'other neutral grassland' instead of 'other broadleaved woodland' at the northern boundary of the site. It was discussed with Co-ecology that the creation of woodland is more appropriate habitat creation at that location than grassland as woodland will form a sufficient buffer between the development and existing woodland that connects to other parcels of ancient

woodland and priority habitat Lowland Mixed Deciduous Woodland. I therefore strongly recommend that the final proposed habitat provisions include the creation of broadleaved woodland at the northern boundary and of the same total area that was previously proposed.

In addition, the native tree line that was previously removed along the access road should be reinstated by native tree planting. A native hedgerow or native tree line should be also planted at the boundaries of the development (red line).

Additional habitat creation within the blue line boundary can include 'other neutral grassland' creation or enhancement of the 'modified grassland' to 'other neutral grassland'.

I carried out a brief calculation of the habitats on-site (red line boundary) and off-site (blue line boundary) and if for example the entire blue line 'modified grassland' (approximately 1.02 hectares) is to be enhanced to 'other neutral grassland' of 'good' condition then the metric results in a net gain of total net change of 16.89% habitat units. If the linear trees that were previously removed are reinstated by native tree planting and a new native species-rich hedgerow is also planted at the red line boundary of the site then there will be a net change of 230.98% in hedgerow units.

I am therefore satisfied that the development can achieve biodiversity net gain as far as habitat creation/enhancement will also be implemented within the off-site/blue line boundary of the site.

To secure habitat creation/enhancement and long-term management of habitats/tree lines and hedgerows for a period of minimum of 30 years a Landscape and Ecological Management Plan (LEMP) is required. This should be accompanied by a proposed habitats plan, including a detailed planting scheme, and a statutory metric.

The LEMP should also include details of other biodiversity enhancements to be incorporated in the development such as bat and bird boxes, and creation of log piles in suitable locations within the site.

Owing to the location of the site within close proximity to priority woodland we would welcome that only native plant species are used in the new gardens, ideally locally sourced.

The LEMP can be secured via a condition to any approval granted.

In addition, a Construction Environmental Management Plan (CEMP) to address all precautionary measures to take prior to commencement and during development to safeguard protected and notable species and the nearby ancient and priority woodland parcels from pollution/dust deposition should be submitted and secured via a condition.

Owing to the location of the site within an area that can be used by foraging and commuting bats a lighting design for light-sensitive biodiversity should be submitted and secured via a condition.

In order for this condition to be discharged a lighting plan should be submitted illustrating the lux levels across the site and its boundaries.

### Legislation, Policy and Guidance

#### Bats

All bat species and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended) and are European Protected Species, protected under The Conservation of Habitats and Species Regulations 2017 (as amended). It is therefore illegal to kill, injure or handle any bat or obstruct access to, destroy or disturb any roost site that they use.

#### Nesting birds

Under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent

for a development does not provide a defence against prosecution under this act. Buildings, trees and other vegetation are likely to contain nesting birds between 1st March and 31st August inclusive.

#### Great crested newts

Great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore it is illegal to capture, injure, kill, disturb or take great crested newts or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any great crested newts occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection.

#### Badger

Badgers and their setts (including tunnels) are protected under the Protection of Badgers Act 1992. The most likely offences through development include wilful killing and injury of a badger, intentional or reckless damage or destruction of a badger sett, obstruction of access to a sett, or to disturb a badger when it is occupying a sett.

#### Reptiles

All reptile species are protected under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally kill or injure a reptile.

All reptile species are listed in Section 41 of the Natural Environment and Rural Communities Act as Species of Principal Importance – Priority Species.

#### Ancient Woodland

The Natural England and Forestry Commission Standing Advice (Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK ([www.gov.uk](http://www.gov.uk))) for ancient woodland, ancient trees and veteran trees is a material planning consideration for local planning authorities (LPAs). Decisions have to be made in line with paragraph 180 (c) of the NPPF.

Paragraph 180c of the NPPF states that: “Development resulting in the loss or 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.

(63) For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

#### NERC Act Section 41 Habitat of Principal Importance - Priority Habitat

Local planning authorities have a duty to conserve and enhance biodiversity under the Natural Environment and Rural Communities Act 2006 (NERC Act 2006).

The NERC Act 2006 requires that the Section 41 habitats and species list be used to guide decision-makers, such as public authorities, in implementing their duty under Section 40 of the NERC Act ‘to have due regard’ to the conservation and enhancement of biodiversity when carrying out their normal functions.

#### Biodiversity Net Gain

The Environment Act 2021 sets out the key components of mandatory biodiversity gain:

- Amends Town & Country Planning Act (TCPA);



- Minimum 10% gain required calculated using the Biodiversity Metric & approval of a biodiversity gain plan;
- Habitat secured for at least 30 years via planning obligations or conservation covenants;
- Delivered on-site, off-site or via a new statutory biodiversity credits scheme; and
- National register for net gain delivery sites

#### Biodiversity Net Gain Supplementary Planning Document

The BNG SPD was adopted by Buckinghamshire Council. It sets out a Buckinghamshire process for achieving net gain and aids planning applicants in ensuring their development would result in a biodiversity net gain. It also sets out a Buckinghamshire process for compensating for losses of biodiversity using off-site habitats and guides landowners in offering their land for BNG.

#### National Planning Policy Framework

Paragraph 174d of the NPPF requires that: “Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure”.

The NPPF in section 179b states: “promote the conservation, restoration 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.”

The NPPF Paragraph 180a states “When determining planning applications, local planning authorities should apply the following principles: a) 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, then planning permission should be refused.”

The NPPF Paragraph 180d states “When determining planning applications, local planning authorities should apply the following principles... development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”

#### Chiltern District Local Plan, Adopted September 1997 (CDLP) and Chiltern Core Strategy, Adopted 2011 (CCS)

Buckinghamshire Council resolved to withdraw the Chiltern and South Bucks Local Plan 2036 on 21st October 2020. The Core Strategy for Chiltern District (adopted November 2011) Policy ‘CS24: Biodiversity’ states that: “The Council will aim to conserve and enhance biodiversity within the District. In particular:

- the Council will work with its partners to protect and enhance legally protected species and all sites and networks of habitats of international, national, regional or local importance for wildlife or geology.
- development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. This will be in accordance with the Buckinghamshire Biodiversity Action Plan as well as the aims of the Biodiversity Opportunity Areas and the Chiltern AONB Management Plan.
- where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest.

- where, in exceptional circumstances, development outweighs any adverse effect upon the biodiversity of the site and there are no reasonable alternative sites available, replacement habitat of higher quality will be provided through mitigation and/or compensation to achieve a net gain in biodiversity.

The Delivery DPD will indicate on maps the location of the various sites mentioned above as required by PPS9.

### Conditions

#### 1. Construction Environmental Management Plan (CEMP)

Before any construction works hereby approved are commenced, a Construction Environmental Management Plan (CEMP) detailing, in full, measures to protect existing habitat during construction works and to safeguard protected and notable species, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should be completed in accordance with the British Standard on Biodiversity BS 42020:2013 with these details below:

- a) Details of what biodiversity features could be impacted on and what development activities could be potentially damaging;
- b) A rolling timetable of when and where specific measures to avoid / reduce impacts are to be carried out including any seasonal or legal implications (e.g. the bird nesting season) and who is responsible;
- c) Details of method statements for specific biodiversity issues (e.g. for specific destructive activities such as: vegetation clearance, hedgerow removal, tree felling, soil stripping and building demolition);
- d) Identify all practical measures (e.g. fencing, protective barriers and warning signs) and sensitive working practices to avoid impacts;
- e) Details of inspections to ensure wildlife do not become trapped in excavations or machinery;
- f) Details of other responsible person and lines of communication on-site in relation to the implementation of the CEMP;
- g) Details of contingency measures in the event of an accident or other potentially damaging incident (e.g. pollution incidents; how to deal with previously unrecorded protected species found during construction and restoration; unexpected bad weather; repair of damaged features etc.);
- h) Details of procedures to avoid pollution incidents (e.g. from fuel spills and site run-off based on an understanding of the wildlife interest at risk);
- i) Regular review of the implementation of CEMP throughout the construction / restoration phase to monitor effectiveness of mitigation measures and compliance with legal, planning and/or contractual requirements;
- j) Details of biosecurity protocols / method statements to prevent spread of non-native species;
- k) Temporary management of existing wildlife features during construction / implementation. The development shall be undertaken and thereafter maintained in accordance with the approved CEMP.

Reason: To protect habitats and species of conservation importance.

#### 2. Landscape and Ecological Management Plan (LEMP)

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed within the red line and blue line boundaries of the site, including integrated bat boxes, bird boxes and log piles.
- b) Ecological trends and constraints on-site and off-site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy 24: Biodiversity of the Chiltern District Core Strategy and providing roosting features to species of conservation concern.

### 3. Lighting design for light-sensitive biodiversity

Prior to occupation, a "lighting design strategy for biodiversity" for shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and other nocturnal wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure the survival of protected species that may otherwise be affected by the development.

### **Tree Officer:**

There are no trees within the site or on the boundary with West Hyde Lane. An old hedgerow, including several large oak trees, was completely removed on the road boundary when the existing access was created in 2020.

There is a hedgerow including some trees along the south-eastern boundary of the site. It appears that the proposal should not involve damage to this hedgerow.

The Proposed Site Layout and Outline Landscaping Scheme plans show some indicative native tree planting, native woodland buffers and native hedgerow planting. It also shows a native understorey buffer, but it is not clear what this means as there is no existing overstorey of vegetation in this vicinity. A woodland buffer or native hedgerow would appear to be more appropriate.

The proposed change of use would not require any further tree or hedgerow loss so I would not object to the application. However, I would like to see significant new native tree and hedgerow planting on the site, which would help compensate for the previous hedgerow loss. Landscape planting of this type would also help to restore some of the rural character of this part of West Hyde Lane.

### **Environmental Protection:**

Historical mapping indicates that the site has had an agricultural use, inferred by field boundaries depicted on the map for the 1920s, no changes are shown on the subsequent available maps.

Online mapping indicates that the site has had an agricultural use, inferred by field boundaries depicted on the map published in 1883, no changes are shown on the subsequent available maps (the last of which was published in 1944).

The site appears to have remained undeveloped, with the exception of the stable block.

There are a number of areas of landfill in relatively close proximity to the site. These include the following:

Approximately 250m to the north-east (hld\_ref EAHL D 32411, site name Richard Biffa Limited, easting 501300, northing 191500, firstinput 30/09/1972, industrial, commercial);

Approximately 270m to the east (hld\_ref EAHL D13121, site name Warren Quarry, site address West Hyde Lane, Chalfont St Peter, wrc\_ref 0400/0085, site\_ref WDA/122, lic\_hold R Biffa Limited, easting 501600, northing 191500, lic\_issue 16/11/1977, lic\_surren 28/11/1981, firstinput 31/12/1955, lastinput 31/12/1980, inert, industrial, commercial, household); Approximately 240m to the south east (hld\_ref EAHL D12482, site\_name Warren Farm Quarry, site\_add Denham Lane, Chalfont St Peter, wrc\_ref 0400/0089, site\_ref WDA/183, 1025/4, lic\_hold Biffa Limited, easting 501300, northing 191100, lic\_issue 17/09/1982, lic\_surren 31/03/1993, firstinput 31/12/1983, lastinput 31/12/1986, inert, industrial, commercial, household).

The proposed development includes some planting; however, it does not include any private gardens or other soft landscaping.

In the event of ground gases migrating from the former landfills, accumulation of gases will be unlikely as there will not be any underground voids and there will be ventilation beneath the mobile homes/touring caravans.

Based on this, the following condition is recommended on this and any subsequent applications for the site.

The application requires the following condition(s):

1. Reporting of Unexpected Contamination: 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, and where remediation is necessary a remediation scheme must be prepared, 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.

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.

**British Pipeline Agency:**

Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application.

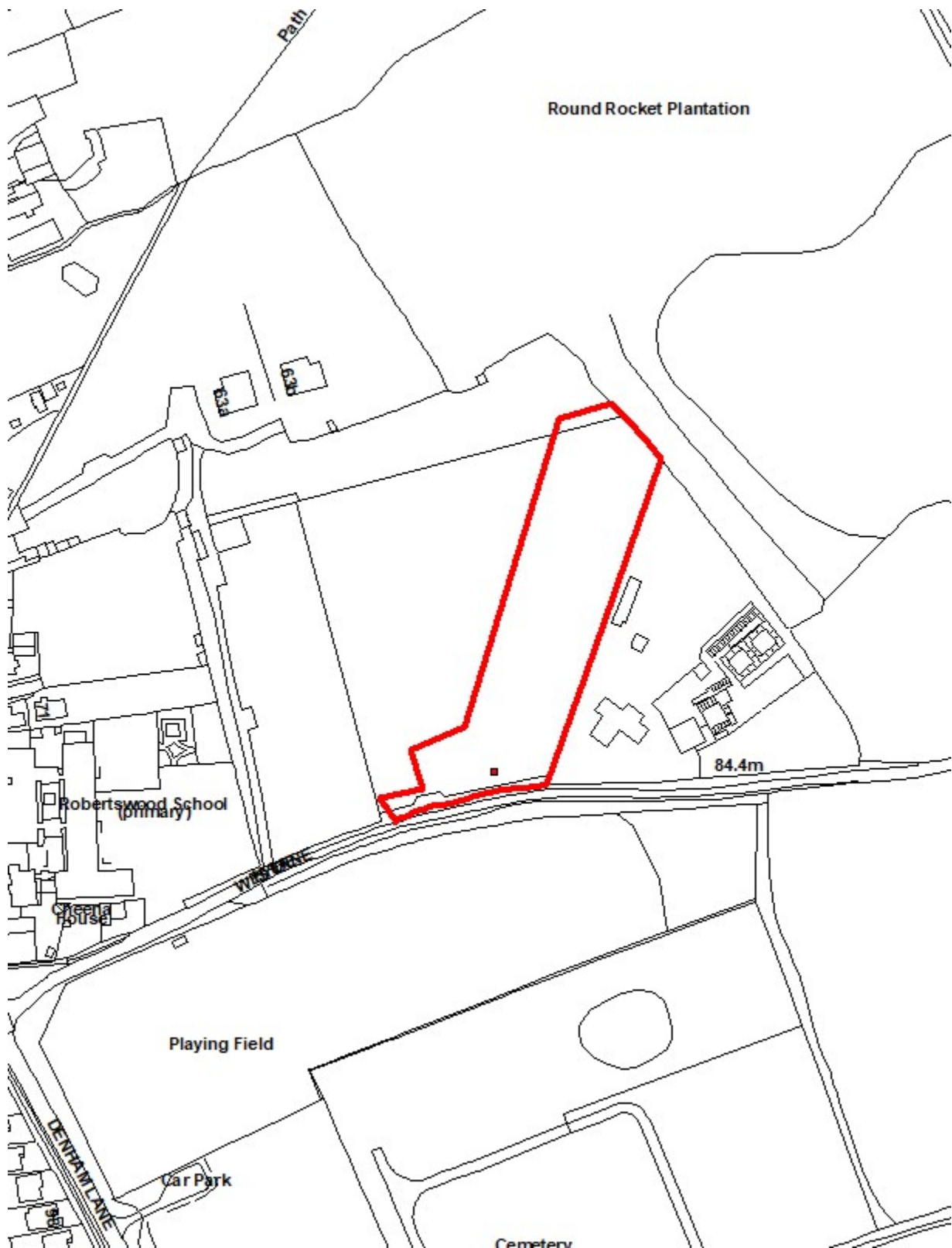
**Representations**

5 representations have been made on the application, which are summarised below:

- Inappropriate development in the Green Belt with no very special circumstances to allow the development
- Harm to openness of Green Belt and would fail to safeguard countryside from encroachment
- When constructing the access, approx. 75m of hedgerow and mature trees were removed, creating an eyesore
- Development would introduce urban feature to countryside
- Intensification of site would harm character and appearance of locality
- It appears stables were built to be used as a dwelling
- Planning permission should be refused for same reasons that application to convert stables to dwelling was refused
- There have been caravans in the past without permission and the Council have had to serve enforcement notices
- Intensification of access and use by large trailers and caravans would compromise road safety close to school
- No zone indicated at the front of the site for refuse receptacles on collection days
- Question the Ecology and Tree checklist
- No bat survey submitted. Bats could roost in trees surrounding the site.
- Suggest preventing any access to the ancient woodland
- Recommend strict conditions on landscaping being implemented and maintained.
- Have had difficulties with travellers in the past
- Concern over personal safety and safety of students at Robertswood School.

This page is intentionally left blank

**APPENDIX B: Site Location Plan**



Do not scale – this map is indicative only

Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationary Office © Crown Copyright 2012. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Buckinghamshire Council, PSMA Licence Number 100023578

This page is intentionally left blank