



## Buckinghamshire Council

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### Report to East Area Planning Committee

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<b>Application Number:</b>	PL/22/4074/FA
<b>Proposal:</b>	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
<b>Site location:</b>	St Leonards Church Hall Glebe Way Chesham Bois HP6 5ND
<b>Applicant:</b>	St Leonard's Parochial Church Council
<b>Case Officer:</b>	Melanie Beech
<b>Ward affected:</b>	Amersham and Chesham Bois
<b>Parish-Town Council:</b>	Chesham Bois Parish Council
<b>Valid date:</b>	13 December 2022
<b>Determination date:</b>	19 October 2023
<b>Recommendation:</b>	Conditional Permission

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

- 1.1 This application seeks planning permission to demolish the existing parish centre in Chesham Bois, the associated outbuildings, and The Rectory; and redevelop the site to provide a new parish centre, prayer room, pre-school, and a new Rectory. Associated parking and landscaping is also provided.
- 1.2 This application follows the refusal of a previous application, reference PL/20/0401/FA, which was subsequently dismissed at appeal on 29<sup>th</sup> April 2022. The current application proposes exactly the same development except for that the additional dwelling that was previously proposed (to be known as Keeper's Cottage) has been removed from the proposal.
- 1.3 This is because in the appeal decision (attached at Appendix C to this report), the Inspector supported the previous scheme in every aspect, except for the impact that it would have on the Chiltern Beechwoods Special Area of Conservation (SAC). With regard to the impact

on the character of the area, including the Conservation Area and listed buildings, the impact on neighbouring properties, and the impact on the highway network, the Inspector raised no objection.

- 1.4 The main issues to consider therefore in determining this application are whether there are any material differences in the site circumstances or planning policy since the appeal decision was made, and whether the removal of the additional dwelling has overcome the Inspector's sole objection.
- 1.5 The following report sets out the officer's assessment of the application. In summary, the recent appeal decision is a material planning consideration that carries significant weight in the determination of the current application, even if people disagree with its conclusions. The technical reports that were submitted with the previous application have been updated to reflect the amended proposal and additional information has been submitted with regard to biodiversity.
- 1.6 An assessment has been carried out with regard to the potential impact of the proposed development on the Chiltern Beechwoods SAC. Officers consider that, by reason of the distance between the application site and the SAC, and the type of facilities proposed, it is unlikely that visitors to the site would combine it with a visit to the SAC. Therefore, as there is no net gain in dwellings and the proposed development would not increase recreational pressure on the SAC, it is considered that the application has overcome the sole reason for the Inspector dismissing the appeal. As such, the application is recommended for approval, subject to conditions. The applicant has agreed to such conditions.
- 1.7 Cllr Harris, Cllr King and Cllr Walsh have all called the application to Committee, regardless of the officer's recommendation, due to the significant public interest in relation to the previous application.

## **2.0 Description of Proposed Development**

- 2.1 The site is located within the parish of Chesham Bois. It is situated to the south of North Road, west of Glebe Way, and north of South Road. It currently includes St Leonard's Parish Centre with associated parking, The Rectory, and some small outbuildings.
- 2.2 The application site is within Chesham Bois Conservation Area and is adjacent to a grade II listed building (The Old Rectory). It is also adjacent to an Established Residential Area of Special Character (ERASC).
- 2.3 The application seeks planning permission to demolish all of the existing buildings and redevelop the site to provide a new parish centre, prayer room, pre-school, and a new Rectory.
- 2.4 The Parish Centre is a large building measuring approximately 35m wide x 23m deep. It has an undulating roof with a maximum height of 9.7m. The proposed materials are primarily timber cladding with a large amount of glazing on the elevations, and a green roof with glass lantern on top. Internally the parish centre consists of a full height main hall, an additional multi-purpose hall, café/meeting space with kitchen, parish council office and meeting rooms, toilets and shower room, and storage space. The main hall has a capacity of 275 (seated).

- 2.5 The pre-school is situated to the south of the main building and adopts a similar design approach with timber clad/glazed walls with a green roof. It is an 'L' shaped building with a maximum width of 11.4m, depth of 16.3m and height of 3.8m.
- 2.6 The prayer room is a smaller round building situated to the west of the parish centre surrounded by trees.
- 2.7 The New Rectory is situated in the northern part of the site, accessed from within the site. The proposed dwelling is a one and half storey dwelling measuring 15.9m wide x 12.6m deep at ground floor level, with a height of 7.9m. The proposed materials include flint walls and a natural slate roof. The property includes a kitchen, living room, dining room and study on the ground floor and four bedrooms on the first floor. A double garage is proposed to the east of the dwelling.
- 2.8 It is proposed to use the existing access to the site for vehicles and convert the existing access for The Rectory into a pedestrian and cycle access into the site. A total of 114 car parking spaces are provided in addition to bike racks and stores for 46 bicycles.
- 2.9 Much of the existing vegetation will be retained with new planting proposed within the site.
- 2.10 The application is accompanied by:
  - a) Planning statement, November 2022
  - b) Design and Access statement, October 2022
  - c) Vision and use statement, November 2022
  - d) Statement of community involvement, January 2020
  - e) Transport statement prepared by Waterman Infrastructure & Environment Ltd, November 2022
  - f) Heritage Assessment prepared by Cotswold Archaeology, October 2022
  - g) Landscape and visual assessment prepared by Adams Habermehl Landscape Architects, October 2022
  - h) Noise impact assessment prepared by RF Environmental, December 2019
  - i) Energy statement prepared by NRG Consulting, November 2022
  - j) Arboricultural Impact Assessment and Arboricultural report prepared by Sylva Consultancy, September 2022
  - k) Flood risk and drainage strategy, and SuDS Maintenance guide prepared by Infrastruct CS Ltd, December 2022.
  - l) Preliminary Ecological Appraisal and Preliminary Roost Assessment, prepared by Arbtech, November 2022
  - m) Biodiversity Net Gain Assessment and Biodiversity Net Gain Metric, prepared by Arbtech, February 2023
  - n) Bat Mitigation Plan, prepared by Arbtech, April 2023
  - o) Great Crested Newt eDNA Survey, prepared by Arbtech, July 2023
  - p) Badger Survey, prepared by Arbtech, August 2023

### **3.0 Relevant Planning History**

3.1 There have been a number of historic applications on the site relating to extensions, temporary buildings and works to trees. However, the most relevant application is the following:

- PL/20/0401/FA - Redevelopment of the site to create a new multifunctional Parish Centre with cafe, day nursery building, replacement rectory with detached garage, additional staff dwelling, 2 outbuildings to provide prayer room and substation/bin and bicycle store, associated parking and landscaping Refused permission 15<sup>th</sup> January 2021, dismissed at appeal 29<sup>th</sup> April 2022.

### **4.0 Summary of Representations**

4.1 At the time of drafting this report, 290 representations have been made on the application. 239 of these object, 45 support, and 6 are neutral.

4.2 Chesham Bois Parish Council object to the application on the following grounds:

- Material defects within the application
- Lack of proper consideration of biodiversity
- Damage to badgers and bat habitat
- Light pollution and lack of detail on lighting
- Inadequate vehicle access
- Inadequate parking provision
- Adverse impact on adjoining Grade II listed building

4.3 Consultation responses have been received from Building Control, Sustainable Drainage Team, Waste Management Team, Historic England, Heritage Team, Highway Authority, Ecology Officer, Newt Officer and Tree Officer.

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), September 2023.
- National Design Guidance, January 2021.
- Core Strategy for Chiltern District, Adopted November 2011.
- Chiltern District 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**

Core Strategy Policies:

CS1 (The spatial strategy),

CS2 (Amount and distribution of residential development 2006-2026),

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

CS29 (Community)

Local Plan Saved Policies:

H3 (Provision of new dwellings in the built-up areas excluded from the Green Belt (other than in accordance with Policies H2, H4 & H7)),

CSF1 (provision of community services and facilities in the built-up areas excluded from the Green Belt)

5.1 The site is located within the built-up area of Chesham Bois, where in accordance with Policy H3 of the Adopted Local Plan, replacement dwellings are acceptable in principle. Furthermore, the principle of new community facilities are also accepted in principle, in accordance with Policy CSF1 of the Local Plan and Policy CS29 of the Adopted Core Strategy.

5.2 As stated above, this application follows a similar application, reference PL/20/0401/FA. Although that application was ultimately refused by the Council and dismissed at appeal, no objections were raised to the principle of development. Indeed, a number of the comments received on the application, although raise concerns about the scale of development and other matters, welcome the principle of redeveloping the site for community use.

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

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)

H11 (Distance between flank elevation(s) of a proposed multi-storey dwelling and boundary of dwelling's curtilage throughout the district)

CA1 (Works to buildings in Conservation Areas as defined on the Proposals Map)

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

CA3 (Changes of use in Conservation Areas as defined on the Proposals Map)

CA4 (Demolition of unlisted buildings in Conservation Areas as defined on the Proposals Map)

5.3 The first reason for refusal of the previous application was as follows:

“By virtue of its scale, mass and external appearance, the proposed Parish Centre building would appear as a prominent and intrusive feature within the street scene, would appear out of keeping with nearby buildings and would fail to preserve or enhance the Chesham Bois Conservation Area. In addition, the Common is a prominent rural feature with its mature deciduous trees, grassed open areas and pond. It is a central focus for the conservation area and contributes to the rural character. The loss of open space, extensive car parking area and light spillage from the glazing in the proposed building and from cars using the facility would fail to preserve the feeling of rural tranquillity that is an important part of the character of the conservation area. This harm is not outweighed by any identified need for the community facilities proposed. The proposal is therefore considered to represent an overdevelopment of the site and is contrary to Policies GC1, CA1, CA2 and CSF1 of the Adopted Chiltern District Local Plan 1997 (including the Adopted Alterations May 2001 and July 2004) Consolidated

September 2007 & November 2011, Policies CS20 and CS29 of the Core Strategy for Chiltern District (Adopted November 2011) and the guidance in the NPPF (2019).”

- 5.4 However, the appeal decision is a material planning consideration in the determination of the current application, even if people disagree with it. Paragraphs 11 – 34 of the appeal decision (attached at appendix C of this report) sets out an evaluation of the existing character of the area and the impact of the proposed development on this character, including the Chesham Bois Conservation Area. The Inspector raises no objection to the demolition of the existing buildings on the site which he says do not make an appreciable contribution to the special interest of the conservation area.
- 5.5 With regard to the new parish centre, he states that “the new parish centre is the largest building being delivered under the proposal. Whilst the size of the building’s footprint is appreciable in extent, the height and roof profile of the building has been carefully designed into a draped canopy. This provides a more natural form and, alongside the use of sensitive materials and extensive glazing creating views through the building, would ensure it assimilates with the wooded appearance of the site and would not give rise to a sense of dominance or intrusion from adjacent public land”. He also adds that the appearance of the building would better reflect the site’s wooded context in comparison to the existing parish centre. Finally, he states that “the building would take on a more contemporary appearance and depart from traditional building designs that are apparent throughout the conservation area, but I am satisfied that the quality of design and the role of the building as a central component of the community, would deliver a high quality of design that embraces the woodland setting”.
- 5.6 With regard to the loss of open space, extensive car parking and light spillage that formed part of the reason for refusal, the Inspector said “the proposal would increase the car parking provision at the site. However, it is clear from the evidence before me that there are opportunities to restrict the use of tarmac and white line painting and secure an appropriate surface treatment that is more in keeping with the appearance of the conservation area. For example, securing the use of paving and other materials with greater heritage aesthetic, along with intervening landscaping, would help the larger car park better assimilate into the wooded context.” Furthermore, he raised no objection to light spillage, arguing that any potential disturbance could be controlled by condition.
- 5.7 The second reason for refusal was as follows:
- “The proposed new Rectory building would be sited close to the boundaries with the adjoining streets and would be a prominent addition to the site, visible from North Road and Glebe Way. By virtue of its siting, it would appear overly prominent, intrusive and out of character with the surrounding pattern of development. The proposal would therefore neither preserve nor enhance the character or appearance of the conservation area and is contrary to Policies GC1, CA1 and CA2 of the Adopted Chiltern District Local Plan 1997 (including the Adopted Alterations May 2001 and July 2004) Consolidated September 2007 & November 2011, Policy CS20 of the Core Strategy for Chiltern District (Adopted November 2011) and the guidance in the NPPF (2019).”
- 5.8 In this regard, the Inspector says the following at paragraph 27 of the appeal decision, “Whilst I acknowledge that the new rectory would be sited close to the boundary with

North Road I am satisfied that no harm would arise. This is based on the photomontages provided, where it is clear that the visual prominence of the new rectory would be similar to the existing parish centre and mitigated by additional tree planting. Furthermore, although the Council make contentions about a building line, the sporadic nature of buildings along this side of North Road means that an established building line is not readily apparent and therefore one cannot be breached.”

- 5.9 The Inspector concludes that “Altogether, the proposal would preserve and enhance the wooded appearance of the site without harming the rural tranquillity and character of the wider conservation area or the setting of the listed buildings adjacent. Furthermore, the loss of existing buildings on site, which make a limited contribution to the conservation area, would not be harmful, and the new parish centre would make a positive contribution to the conservation area accordingly, the proposal would not conflict with Policies GC1, CA1, CA2 and CSF1 of the Chiltern District Local Plan 1997 or Policies CS20 and CS29 of the Chiltern District Core Strategy 2011.”
- 5.10 Given that the site circumstances and the planning policy context has not changed since this decision was made, it is clear that it would not be reasonable to refuse the current application on the basis of its impact on the character of the area, based on the Inspector’s findings.

#### **Historic environment (Listed Building Issues)**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

Local Plan Saved Policies:

LB2 (Protection of setting of Listed Buildings throughout the district)

- 5.11 The application is accompanied by an updated Heritage Statement, dated November 2022. This has been reviewed by the Council’s Heritage Officer, who has requested additional information from the applicant. However, the reasons for refusal on the previous application did not include the impact of the proposal on the historic interest of the adjacent listed building. Nevertheless, the Inspector did consider this matter and states in paragraph 29 of the appeal decision that “The car park would extend westwards in parallel with The Old Rectory and stables. However, the lack of direct association and screening provided by the mature boundary treatments on this part of the site would mitigate any harm to the setting of these listed buildings.”
- 5.12 The impact on the adjacent listed buildings has been improved in comparison to the previous scheme by the removal of Keeper’s Cottage from the proposal. As such, no objections are raised in this regard. The Council’s Heritage and Archaeology Team Leader has verbally agreed with this assessment and says that based on the appeal decision, they would not be in a position to defend a reason for refusal on listed building grounds at appeal.

#### **Promoting healthy and safe communities**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS20 (Design and environmental quality)

CS29 (Community)

Local Plan Saved Policies:

GC1 (Design of development throughout the district)

CSF1 (Provision of community services and facilities in the built-up areas excluded from the Green Belt)

5.13 Paragraph 91 of the NPPF seeks to achieve healthy, inclusive and safe places, which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other.
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion (for example through the use of clear and legible pedestrian routes and high quality public space which encourage the active and continual use of public areas).
- c) enable and support healthy lifestyles.

5.14 Paragraph 92 goes on to state that planning decisions should plan positively for the provision and use of shared spaces and community facilities (including meeting places, cultural buildings and places of worship).

5.15 It is noted that the Crime Prevention Officer commented on the previous application and raised concern over the permeability of the site. However, this was not included as a reason for refusal on the previous application. Nevertheless, the Inspector considered the matter and concluded in paragraph 52 of the appeal decision that “Thames Valley Police made representations on design safety but there is no evidence that the area suffers from higher crime rates. Furthermore, there is a clear strategy for separating publicly accessible areas and those which can be kept private and secure.” As such, no objections are raised in this regard.

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

Local Plan Saved Policies:

GC3 (Protection of amenities throughout the district)

GC7 (Noise-generating developments throughout the district)

H12 (Private residential garden areas throughout the district)

5.16 The third reason for refusal of the previous application was as follows:

“The proposed car parking areas would result in vehicles manoeuvring in close proximity to the dwelling at the Old Rectory, which would result in disturbance to the occupiers of this neighbouring property. This would be exacerbated by light pollution from headlamps, noise from car doors and people in the car park. This would be detrimental to the residential amenities of this property. As such the proposal is contrary to Policy GC3 of the Adopted Chiltern District Local Plan 1997 (including the Adopted Alterations May 2001 and July 2004) Consolidated September 2007 & November 2011.”

5.17 Paragraphs 35 – 42 of the appeal decision assess the impact of the proposed development on the neighbouring property, The Old Rectory. The Inspector considers that, based on the existing level of activity at the site, enhanced landscaping, and the use of conditions to control operating hours, noise and lighting, “the proposal would not harm the living conditions of neighbouring occupiers and would not conflict with Policy GC3 of the Chiltern District Local Plan 1997”.



5.18 Given that the proposal has been reduced by one dwelling, the impact is even less and therefore no objections are raised in this regard.

### **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 throughout the district)

TR3 (Access and road layout throughout the district)

TR11 (Provision of off-street parking for developments throughout the district)

TR15 (Design of parking areas throughout the district)

5.19 The fourth reason for refusal of the previous application was as follows:

“The proposed development would result in an intensification of use of an existing access at a point where visibility is substandard due to being blocked by parked cars along Glebe Way. This would lead to danger and inconvenience to people using it and to highway users in general. The development is therefore contrary to Policy TR2 of The Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011, Policy CS26 of the Core Strategy for Chiltern District (Adopted November 2011) and the guidance in the NPPF (2019).”

5.20 In this regard, paragraph 44 of the appeal decision states that “Intensity of traffic would increase under the proposal. However, it is clear from the evidence before me that the existing access is to be widened so that two vehicles would be able to pass safely, whilst trip generation data suggests there is sufficient capacity on the highway network and parking provision on site to accommodate the additional vehicle movements. A travel plan could also be secured by condition to provide additional mitigation and encourage a shift to more sustainable forms of transportation.”

5.21 Paragraph 45 goes onto state that “The proposal’s visibility splays could be achieved in perpetuity in accordance with Manual for Streets. These could be secured by Grampian style condition, and I am satisfied that there is a process to seek permission to undertake works on common land in order to overcome potential barriers to implementation and allow the condition to be complied with within the time limit of any planning permission”. The Inspector concludes that, “Overall, the proposal would not harm highway safety and would not conflict with Policy TR2 of the Chiltern District Local Plan 1997 or Policy CS26 of the Chiltern District Core Strategy 2011.”

5.22 The applicant has submitted a transport statement which has been reviewed by the Council’s Highway Officers. In comparison to the previous scheme, one dwelling has been removed and therefore the impact on the highway network will be slightly less and therefore, no objections are raised in this regard.

5.23 With regard to parking, the previous application was assessed against the standards set out in Policy TR16 of the Local Plan, which required 191 spaces for the proposed development. The Council accepted a shortfall of 77 spaces and ultimately did not include parking provision as a reason for refusal. The Council is now using the Buckinghamshire Countywide Parking Guidance which requires a total of 117 parking spaces to be provided

for the proposed development. A total of 114 spaces are provided and in consultation with the Highway Authority, this is considered to be acceptable, given the propensity for linked trips within the site (for example visitors to the parish centre also visiting the café).

- 5.24 Based on the above assessment, and noting the Highway Officer and Inspectors comments, no objection is raised to the impact of the proposal on highway safety.

### **Environmental issues**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS20 (Design and environmental quality)

Local Plan Saved Policies:

GC3 (Protection of amenities throughout the district)

GC7 (Noise-generating developments throughout the district)

GC9 (Prevention of pollution throughout the district)

- 5.25 It is acknowledged that some of the local residents are concerned about potential noise and light pollution arising from the new development. In this regard, a thorough assessment of the previous application was made and in consultation with the Council's Environmental Health Team, it was considered that the proposal was acceptable subject to conditions to control noise levels and opening hours.

- 5.26 Paragraph 30 of the appeal decision agrees with this approach, stating that conditions can secure measures to help mitigate potential disturbance by controlling operating hours, noise and lighting. Overall, the Inspector did not raise any objection to this issue and as the current proposal removes the additional dwelling, the impact will be slightly reduced.

- 5.27 It is also noted that concern has been raised by local residents with regard to waste, citing that it will be difficult for waste vehicles to enter the site satisfactorily, and that the turning area is remote from the bin storage area. However, the application has been assessed by the Council's Waste Team and the Highway Authority, who raise no objection to the scheme in regards to waste servicing and are content that the required swept paths can be achieved. Furthermore, the Inspector raised no objection to this matter either.

### **Flooding and drainage**

Core Strategy Policy:

CS4 (Ensuring that development is sustainable)

Local Plan Saved Policy:

GC10 (Protection from flooding in the areas as defined on the Proposals Map and throughout the district)

- 5.28 The site is not within a designated Critical Drainage Area and is located within flood zone 1, which is land with the lowest flood risk. However, it is important to consider proper drainage of the site and in this regard, an updated Flood Risk Assessment and Drainage Statement was submitted with the application, dated November 2022. In consultation with the Lead Local Flood Authority, officers are satisfied that flooding and drainage have been given due regard. Therefore, no objections are raised but it is recommended that a condition be imposed on any permission granted to require a surface water drainage scheme to be submitted (based on the Flood Risk Assessment already submitted).

## **Landscape Issues**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS20 (Design and environmental quality)

Local Plan Saved Policies:

GC1 (Design of development throughout the district)

GC4 (Landscaping throughout the district)

- 5.29 Policy GC4 of the Local Plan seeks to retain existing established trees and hedgerows in sound condition and of good amenity and wildlife value. It also encourages landscaping appropriate to the site. In this regard, an updated Arboricultural Impact Assessment has been submitted with the application, dated September 2022 as well as an updated landscape and visual assessment, dated October 2022. In consultation with the Council's Tree Officer, the proposal seeks to retain the better trees on site and proposes significant new planting. Therefore, no objections are raised in this regard, subject to a condition requiring adequate protection for the retained trees.

## **Ecology**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

Local Plan Saved Policies:

NC1 (Safeguarding of nature conservation interests throughout the district)

- 5.30 Policy CS24 of the Core Strategy states that the Council will aim to conserve and enhance biodiversity within the District. It is noted that the following informative was included on the previous decision notice:

“The applicant is advised that Members were concerned regarding ecology. Whilst this does not form a reason for refusal, the impact on the biodiversity of the area needs further consideration. With any resubmission, Members were keen to ensure that more measures were proposed as part of the application to show a biodiversity net gain could be achieved, rather than dealing with this by way of a Condition. The applicant is therefore advised to provide more information relating to biodiversity, using an established biodiversity metric, to show that a 'measurable net gain' for biodiversity can be achieved, in order to comply with Policy CS24 of the Core Strategy.”

- 5.31 The applicant has taken this on board and submitted a new Preliminary Ecological Appraisal and Preliminary Roost Assessment with the application, dated November 2022. Following comments from the Council's Ecology Officer, further information was submitted, including a Biodiversity Net Gain Assessment and Metric, badger survey, and newt survey. Based on this information, officers are now satisfied that due regard has been given to biodiversity and protected species. Therefore, provided the mitigation measures suggested in the documents are implemented (which can be secured by condition), the proposed development is considered to comply with Policy CS24 of the Core Strategy and paragraphs 174 – 177 of the NPPF.

## **Chiltern Beechwoods Special Area of Conservation (SAC)**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

Local Plan Saved Policies:

NC1 (Safeguarding of nature conservation interests throughout the district)

- 5.32 During the course of the appeal, Natural England issued new advice regarding significant recreational pressure on the Chiltern Beechwoods SAC. This advice makes it clear that any net increase in residential development within 12.6km of the SAC (known as the Zone of Influence) would result in likely significant effects on the SAC. The Council has now adopted an interim approach of not approving any application within the Zone of Influence for any proposal which includes a net increase in dwellings. However, this issue had not arisen at the time of determining the previous application. Nevertheless, the Inspector concluded that there was insufficient evidence submitted to demonstrate that the proposal would preserve the integrity of the Chiltern Beechwoods SAC and therefore he dismissed the appeal as it was contrary to Policy CS24 of the Core Strategy, Paragraph 180 of the NPPF and the Habitats Regulation.
- 5.33 In order to address this issue, the applicant has removed the additional dwelling from the proposal and therefore there is now no net gain in residential development. However, it is still important to consider potential impacts on the SAC, due to the site's location within the Zone of Influence.
- 5.34 The Council has produced a Frequently Asked Questions document in relation to this issue, which was last updated in August 2023. Section 6 sets out the type of applications that are affected, which are primarily applications which include a net increase in residential development. However, it does state that some applications, depending on their scale and location could lead to a significant impact on the SAC and that each case will need to be considered on its own merits. This can include applications for cafes in close proximity to the site for example.
- 5.35 In this case, the application site is located approximately 10km from the site and therefore towards the outer limits of the Zone of Influence. The type of development that is proposed is likely to attract those using the facilities within the site and it seems unlikely that visitors to this particular site would combine trips to the SAC. As such, given that the additional dwelling has been removed from the proposal, no objections are raised in this regard.

## **Building sustainability**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS5 (Encouraging renewable energy schemes)

- 5.36 Policy CS5 of the Core Strategy requires 10% of the total energy use for a development of this scale to be from decentralised and renewable or low-carbon sources. In this regard, an updated Energy Statement was submitted with the application, dated November 2022. This shows that it is feasible to meet the requirements of Policy CS5 but it is recommended

that a condition is imposed on any permission granted to require further details to be submitted, approved and implemented.

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

- 6.1 This application is a re-submission of a previous application which was refused by Planning Committee on 15<sup>th</sup> January 2021 and subsequently dismissed at appeal. The previous application was refused for four reasons which can be summarised as; the impact on the character of the area by reason of the large parish centre and siting of The New Rectory, the impact on the neighbouring property The Old Rectory by reason of the proximity of the car park to that property, and the danger to highway safety by reason of the intensification of an access where visibility is substandard.
- 6.2 The Inspector disagreed with all of these reasons for refusal and concluded that the proposal would preserve and enhance the character and appearance of the area, including Chesham Bois Conservation Area and the setting of nearby listed buildings, and would also be acceptable in relation to the living conditions and highway safety (paragraph 56 of the appeal decision). However, the Inspector ultimately dismissed the appeal because there was insufficient evidence to conclude that it would preserve the integrity of the Chiltern Beechwoods SAC.
- 6.3 Natural England have advised that a net increase in residential dwellings within 12.6km of the SAC is likely to cause recreational pressure on the SAC and therefore Buckinghamshire Council has adopted an interim position of not approving any application which includes a net increase of dwellings within that area. This application site is within that zone but the proposal no longer results in a net increase in dwellings. As such, this objection no longer applies. Although the proposed development will generate some additional visits to the site, it is not considered that the visitors to this site will combine it with a visit to the Chiltern Beechwood SAC, given its location and type of development proposed.
- 6.4 The above assessment establishes that the plans and accompanying reports have been updated and as the site circumstances and planning policies have not changed since the appeal decision was made, 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 has focused on seeking solutions to the issues arising from the development proposal. The Council works with applicants/agents in a positive and proactive manner by:
  - offering a pre-application advice service
  - updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.
- 7.2 In this case, the Council accepted additional information in relation to biodiversity which addressed comments received by the Council's Ecology and Newt Officers.
- 7.3 The applicant has agreed to the recommended conditions.

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

**8.0 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. 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 internal road, parking and turning areas, 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. Prior to the commencement of any works on the site, a Construction Traffic Management Plan detailing the management of construction traffic (including vehicle types, frequency of visits, expected daily time frames, use of a banksman, on-site loading/unloading arrangements and parking of site operatives vehicles) shall be submitted and approved in writing by the Planning Authority in consultation with the Highway Authority. Thereafter, the development shall be carried out in accordance with such approved management plan.

Reason: In the interests of highway safety, convenience of highway users and to protect the amenities of residents, in accordance with Policies TR2 and TR3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011 and Policies CS25 and CS26 of The Core Strategy for

Chiltern District, Adopted November 2011. This is a pre-commencement condition as development cannot be allowed to take place, which in the opinion of the Highway Authority, could cause danger, obstruction and inconvenience to users of the highway and of the development.

5. Prior to the use/occupation of the development hereby permitted, a Travel Plan framework for the site shall be submitted to and approved in writing by the Local 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 a full analysis of the modal split at existing sites and indicate targets for modal shift in the forthcoming year. 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.

6. No other part of the development shall begin until all of the existing means of accesses into the site have been altered in accordance with the approved plans and constructed in accordance with the Buckinghamshire Council guide note "Industrial Vehicular Access Within the Public Highway".

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

7. No other part of the development shall begin until visibility splays have been provided on both sides of the vehicular 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 to the south, and towards the Glebe Way/North Road junction to the north. 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.

8. The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the initial use/occupation of the development hereby permitted and those areas 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, in accordance with Policies TR2, TR3, TR11 and TR16 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011 and Policies CS25 and CS26 of The Core Strategy for Chiltern District, Adopted November 2011.

9. 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.

10. No works (other than demolition) shall begin until a surface water drainage scheme for the site, based on Flood Risk Assessment and Drainage Statement (ref. 3278-CHES-ICS-XX-RP-C-001 Rev D, November 2020, Infrastructure), 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:

- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
- Demonstrate that water quality, ecological and amenity benefits have been considered
- Infiltration rate testing in accordance with BRE365 in the locations of the proposed infiltration components as shown on Drawing no. 051 Rev. P06.
- Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined in paragraph 080 of the Planning Practice Guidance.
- 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.
- Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components
- Full construction details of all SuDS and drainage components
- 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
- Whole-life maintenance schedule
- 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.

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 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.

11. No development shall take place until an Arboricultural Method Statement, which shall include a Tree Protection Plan, has been submitted to and approved in writing by the Local Planning Authority. This shall show details of all work within the root protection areas of



the retained trees and hedges both within and around the site including details of protection measures for the trees and hedges during the development, and information about any excavation work, any changes in existing ground levels and any changes in surface treatments within the root protection areas of the trees, including plans and cross-sections where necessary. In particular, it shall show details of specialised foundations, ground protection measures and no-dig construction where appropriate. The work shall then be carried out in accordance with this method statement.

Reason: To ensure that the existing established trees and hedgerows in and around the site that are to be retained, including their roots, do not suffer significant damage during building operations, in accordance with Policy GC4 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011.

12. 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 and should include the installation of bat and/or bird bricks and/or boxes.

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).

13. 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).

14. The development hereby permitted shall not commence until one of the following has been submitted to and approved in writing by the Local Planning Authority:
  - a) licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitat and Species Regulations 2017 (as amended) authorising the specified activity / development to go ahead; or

b) a statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) and to protect species of conservation importance.

15. The development hereby permitted shall not commence until one of the following has been submitted to and approved in writing by the Local Planning Authority:
- a) a badger development licence issued by Natural England authorising the specified activity / development to go ahead;
  - b) a statement in writing from the relevant licensing a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To safeguard protected species that may adversely be affected by the development.

16. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure that development is undertaken in a manner which ensures important wildlife and priority habitat are not adversely impacted.

17. No development shall take place (including demolition, ground works, vegetation clearance) until a 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, including bat loft, integrated bat boxes and swift boxes, bat boxes on mature trees, log piles and hedgehog highways.
- 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 ensuring that the development achieves net gain.

18. The development hereby permitted shall be implemented in accordance with the agreed mitigation plan (Great Crested Newt eDNA Survey, St Leonards Parsh Centre, Arbtech, July 2023, Section 4). Any variation to the agreed plan shall be agreed in writing with the local planning authority before such change is made. Within one month of the mitigation plan being implemented, a letter from the ecologist shall be submitted to, and then subsequently approved in writing by the Local Planning Authority, to confirm that all mitigation measures have been implemented in accordance with the approved plan.

Reason: In the interests of improving biodiversity in accordance with NPPF and Core Strategy Policy CS24 and to ensure the scheme provides for biodiversity protection and enhancement.

19. Prior to the use/occupation of the development hereby permitted, a lighting scheme for the site shall be submitted to and approved in writing by the Planning Authority. The scheme 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.

The approved lighting scheme shall then be implemented prior to the occupation/use of the development and no other external lighting shall be erected or installed within the site other than as approved under this condition.

Reason: To ensure that the site is safe whilst maintaining the character of the area and safeguarding ecology, in accordance with Policies GC1, LB2, NC1, 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).

20. Notwithstanding the details shown on the approved plans, prior to the use/occupation of the development hereby permitted, full details of the proposed boundary treatments around and within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall then be erected/constructed prior to the use/occupation of the development hereby permitted.

Reason: To protect, as far as possible, the character of the locality and the amenities of the future occupiers of the development, in accordance with policies GC1, GC3, 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).

21. Prior to the use/occupation of the development hereby permitted, the bin and bike stores shall be implemented in accordance with the details shown on the approved plans and thereafter not used for any other purpose.

Reason: To ensure that the development respects the character of the area, does not appear cluttered with bins and to ensure that there is adequate bin storage for future occupiers of the development, and to encourage cycling to the site, in accordance with policies GC1, GC3, 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, CS20, CS25 and CS26 of the Core Strategy for Chiltern District (Adopted November 2011).

22. 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, 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 dwelling(s) 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).

23. The parish centre, prayer room and pre-school hereby approved shall only be used between the hours of 7:00 and 23:00 on any day of the week.

Reason: To protect the amenity of future occupants and existing neighbours, in accordance with Policy GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

24. The new parish centre hereby approved shall be designed to ensure during worship and during recreational events (including private events) the noise rating level measured at the boundary of the site shall not exceed 10 dB(A) below the lowest LA90,1hr day time (Day time 07.00 - 23.00 hours).

Reason: To protect the amenity of future occupants and existing neighbours, in accordance with Policy GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

25. Prior to the installation of any mechanical plant associated with the development hereby permitted, an acoustic report demonstrating that at all times the operational plant on site shall not give rise to a BS4142 rating level greater than 10 dB below the background noise level at the nearest or worst affected property, shall be submitted to and approved by the Local Planning Authority. The mechanical plant as approved shall be installed and permanently maintained thereafter.

Reason: To protect the amenity of future occupants and existing neighbours, in accordance with Policy GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

26. Prior to the construction of the kitchen(s) within the parish centre hereby approved, details of the following shall be submitted to and approved by the Local Planning Authority:

(i) The grease trap or grease digester system to be installed within the proposed kitchen, including full manufacturer's specifications;

(ii) Any kitchen extraction system or other mechanical plant associated with the kitchen or any such unit, including full specifications of all filtration, deodorising systems, noise output and the provision of associated ducting and termination points (for the avoidance of doubt the mechanical extraction and ventilation associated with the kitchen(s) should not give rise to a BS4142 rating level greater than 10 dB below the background noise level at the nearest or worst affected property).

The approved scheme shall be installed and commissioned prior to the first use of the relevant unit and shall be permanently maintained thereafter.

Reason: To protect the amenity of future occupants and existing neighbours, in accordance with Policy GC3 of the Chiltern District Local Plan Adopted 1 September 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011.

27. This permission relates to the details shown on the approved plans as listed below:

**List of approved plans:**

<b><u>Received</u></b>	<b><u>Plan Reference</u></b>
23/11/22	PA-01-PL2
23/11/22	PA-02-PL3
23/11/22	PA-03-PL2
23/11/22	PA-04-PL3
23/11/22	PA-05-PL4
12/12/22	PA-06-PL4
23/11/22	PA-09-PL2
23/11/22	PA-10-PL3
23/11/22	PA-12-PL3
23/11/22	PA-19-PL2
23/11/22	PA-20-PL2
23/11/22	0771.1.1. Rev C

23/11/22  
27/04/23

1835-DR-051-P06  
SK-100 Rev A

## **INFORMATIVE(S)**

1. The Council is the Charging Authority for the Community Infrastructure Levy (CIL). CIL is a charge on development; it is tariff-based and enables local authorities to raise funds to pay for infrastructure.  
If you have received a CIL Liability Notice, this Notice will set out the further requirements that need to be complied with.  
If you have not received a CIL Liability Notice, the development may still be liable for CIL. Before development is commenced, for further information please refer to the following website <https://www.chiltern.gov.uk/CIL-implementation> or contact 01494 475679 or [planning.cil.csb@buckinghamshire.gov.uk](mailto:planning.cil.csb@buckinghamshire.gov.uk) for more information.
2. Protection of great crested newts and their breeding/resting places: The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England or opt into Buckinghamshire Council's District Licence. If a great crested newt is encountered during works , all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.
3. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, injure or kill a bat; intentionally, recklessly or deliberately disturb a roosting or hibernating bat; intentionally or recklessly obstruct access to a roost. Planning consent for a development does not provide a defence against prosecution under these acts. Buildings, other structures and trees may support bats and their roosts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England. If a bat or bat roost is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.
4. The applicant is reminded that, 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.

## APPENDIX A: Consultation Responses and Representations

### Councillor Comments

**CLlr Graham Harris**, comments received 15 December 2022:

Could we, the 3 ward Councillors, call this application in for a committee decision in view of the level of public comment following the previous application.

**CLlr David King**, comments received 16 December 2022:

I would like this application called in please regardless of the Planning Officer's recommendation due to the significant public comment received relating to the previous application.

**CLlr Liz Walsh**, comments received 16 December 2022:

I request that this be called in to the planning committee, whatever the officer recommends in view of the public interest in the last application.

### Parish/Town Council Comments

Comments received from Chesham Bois Parish Council on 16<sup>th</sup> March 2023:

Chesham Bois Parish Council is conscious of the outcome of its extensive consultation with parishioners and local residents and wishes to object to this application on the following grounds:

1. Material defects within the Application
2. Lack of proper consideration of Biodiversity
3. Damage to Badgers and Bat habitat
4. Light pollution and lack of detail on lighting
5. Inadequate Vehicle access
6. Adverse effect on adjoining Grade II Listed Building

Chesham Bois Parish Council is fully aware of the inspector's decision on planning application (PL/20/0401/FA0 following his cursory inspection on a single Monday afternoon.

#### **Outcome of an Extensive Consultation Process carried out by the Parish Council**

Chesham Bois Parish Council resolved to undertake a consultation with local residents. A newsletter was hand delivered to **ALL Dwellings in Chesham Bois and nearby Roads in Amersham**. Residents were invited to give their opinion on the proposed scheme. Of 298 responses, 249 were against and 49 were in support. At the time of writing the response on the council's planning portal was 228 against and 44 in favour, ie 5 to 1 against. The majority of those supporting the application are not necessarily supporting the whole scheme but are in support of a redeveloped Parish Hall, stating that the existing hall is old and dilapidated. St Leonard's Church is entirely responsible for the state of this building, having spent minimal money on maintenance. This is no justification for the proposed massive worship centre and, as a consequence, a greatly enlarged car parking capacity which will be the predominant activity on the proposed development and which will be of no benefit to the local community.

## **1. Defects in the Application**

We wish to highlight errors of fact which we consider are serious material considerations:-

A. The application includes land in the ownership of the Parish Council. This is registered common land within the red line boundary on the planning application. This land is

- (i) not within the ownership of the applicant;
- (ii) not the subject of any easement granted to the applicant; and
- (iii) not the subject of any negotiations between the applicant and Parish Council. In addition, the applicant has not approached the Council for its agreement either to transfer or grant an easement of a right of way over such Common Land. Given the outcome of the consultation process, the Parish Council is not minded either transfer or grant an easement over the common land in its ownership.

B. The Application shows office space used by the Parish Council but it should be noted that the Parish Council has neither been consulted nor approached about leasing this office space

C. The application is sought for Class D2. This class was abolished on 1<sup>st</sup> September 2020. The application falls to be considered under Class F1(e) or, given the size of the worship centre which will be the predominant activity, Class F1(f) , i.e. use for public worship or religious instruction

## **2. Lack of Proper Consideration of Biodiversity**

The emerging legislation under the Environment Act 2021 encourages a net gain of 10% in biodiversity. There is no provision for such gain in this application. Indeed this proposal would result in a massive reduction in biodiversity, in no small part due to the 120 space car park

## **3. Damage to Badgers and Bats Habitat**

There are badger setts on site and no protection has been shown for their habitat.

## **4. Light Pollution and Lack of Detail in Application on Lighting**

The proposed scheme includes substantial glazing which would result in light pollution disturbing bats and owls. We consider that the see through nature of the building would result in bird strikes.

The details in the Application regarding external lighting are non existent. The conflicting recommendations of the Historic Buildings Officer and police regarding lighting to the proposed car park area shown in the previous application have not been resolved. Chesham Bois Parish Council considers high level lighting to be extremely damaging to the amenity of local residents



## **5. Inadequate Vehicular Access**

The proposed access is insufficient for any large vehicle such as a fire engine or Refuse Collection Vehicle (RCV) to enter and exit the site safely

## **6. Adverse Effect on adjacent Grade II listed building**

Although this was considered by the inspector following his cursory inspection we consider that the siting would have a deleterious impact on the setting and amenity of the Old Rectory, which is a Grade II listed building. We note that Buckinghamshire Council's Heritage Officer's report in respect of PL/22/4265/PA (36 & 38 Bois Lane) shows the importance of preserving the setting of a listed building. We consider that the Old Rectory is historically and architecturally more important than Anne's Corner. The proposed fire pit, together with the pathway in the Glebe field adjacent to the rear boundary of the Old Rectory connecting it with a prayer room will cause noise and air pollution destroying the peace and quiet of the Old Rectory. Given the dry summers that we have been experiencing recently, we deem the fire pit to be a fire risk. Indeed, the bylaws of Chesham Bois Common prohibit the lighting of fires.

## **Conclusion**

- In conclusion we would state that this Application is a repeat of the earlier application and does not take account of evolving environmental legislation and does not address the concerns of local residents

We urge refusal of this Application. Entirely without prejudice if the Council were minded to grant consent we would ask for the following conditions:

1. All contractors vehicles including those of work people to be parked on site at all times
2. All materials to be off loaded and stored on site
3. All vehicles to have their tyres washed before leaving the site
4. Hours of working to be restricted to 8am until 5pm, with no weekend working
5. Any external lighting in the car park to be no more than 1m in height
6. All windows to be non-opening to reduce noise pollution
7. All activity on site including the car park to cease by 10.30pm

We would add that we recommend the conditions in paragraphs 1 and 2 are contained in ALL planning permissions relating to proposed development on property adjoining the common land and Buckinghamshire Council always includes an informative advising the applicant.

Comments received from Chesham Bois Parish Council on 10<sup>th</sup> May 2023:

As the planning committee of CBPC , a statutory consultee, we wish to comment on the report submitted by the highways officer dated 9 March 2023. It is obvious when reading the report that the highways engineer has not carried out a site visit. Indeed, his report looks identical to that relating to the previous application, PL/20/0401/FA, and which was dismissed on appeal.

**Site visit would show parking restrictions**

Should the site engineer carry out a site visit he would have noticed that, contrary to what he has written in his report, there are parking restrictions in Glebe Way which were introduced in 2020. All roads, North Road, Bois Lane, Chestnut Lane, bar South Road which are in the immediate vicinity, are subject to the same restrictions.

**Sustainability/ Inadequate Car Parking and Pedestrian Access**

The network of pedestrian footways are informal, unsurfaced tracks which have evolved over many years. They are on Chesham Bois Common which is owned by Chesham Bois Parish Council and cannot be brought to conform to MfS Guidance without a Section 38 agreement and the permission of Chesham Bois Parish Council. As there is insufficient car parking provision, the applicant has suggested that future users could park in the council car park (a distance of 600m) or Amersham station car park (a distance of 1080m). Both of these are far in excess of the maximum recommended walking distance of 300m.

**Inadequate Site Access**

The applicant wishes to widen the existing access to the parish centre from 4.1m to 6m. This extra land is outside the control of the applicant as the land required forms part of Chesham Bois Common and would require a Section 38 agreement from the Secretary of state and the permission of Chesham Bois Parish Council. Such permission will not be forthcoming from the Parish Council, since the overwhelming majority of parishioners object to the application and, following a full consultation with them, the Parish Council has resolved to object to the application.

Consultation Responses

**Building Control:**

The proposed work is to comply with Approved Document B.

**Waste Management Team:**

I have looked at the plans and due consideration has been given to waste management and container provision aspects of the proposal. Waste collection point indicated on plans on and appropriate vehicular access. Therefore, Waste services have no objections towards the proposal for waste and recycling provisions at property. All collections to take place in accordance with Council policies.

**Highway Authority:**

You will be aware that this application follows PL/20/0401/FA, which, in a response dated 2nd December 2020, the Highway Authority had no objections to subject to conditions.

Proposed Development

The application site is currently used by St Leonards Parish Centre and contains a hall, and residential dwelling of 'The Rectory'. The TS has set out the proposed development as follows;

- A new Parish Centre with 1,035m<sup>2</sup> of floorspace over 2 storeys with 740.5m<sup>2</sup> being the total public area;
- 60m<sup>2</sup> of office (B1) usage which is composed of parish council offices and church offices;
- A 134m<sup>2</sup> pre-school;
- 1 new house provided for parish church staff. (A new rectory with a garage); and

- 136m<sup>2</sup> of space for a café in the entrance space of the Parish Centre.

### Site Location

The site is located on Glebe Way, which is 30mph single two-way carriageway road which connects with North Road to the north and Bois Lane to the south. Parking restrictions are not present in the vicinity of the site. Bois Lane is a 30mph single two-way carriageway Lane that connects to Chesham in the north and Amersham in the south.

### Sustainability

There is a network of pedestrian footways which link the site to nearby residential areas, however the footways appear to be largely substandard in width. Current MfS guidance recommends that footways are a minimum of 2 metres in width.

The nearest bus stops to the site are on Bois Lane and Sycamore Road approximately 100 metres and 200 metres from the site respectively. These stops are served by an infrequent bus service. There is a footway linking the bus stops to the site, however it is substandard in terms of its width and there is no suitable crossing point positioned on the pedestrian desire line between the site and the bus stop on the east side of Bois Lane.

There are bus stops with a higher level of service on Amersham Road/Chesham Road, however they are in excess of the maximum recommended walking distance which is 300 metres.

### Site Access

The site currently benefits from two vehicular accesses onto Glebe Way, which separately serve the existing Parish Centre and The Rectory. The existing access which serves The Rectory is to be retained but converted into a pedestrian and cycle access only. The access is approximately 3 metres wide, and therefore to ensure it is not used by vehicles the dropped kerb will need to be reinstated to a full height kerb, which I am satisfied could be secured by condition.

It is proposed to widen the existing access serving the Parish Centre to 6 metres within the site to allow for two-way flow of traffic, however no alterations are proposed to the existing dropped kerb which is approximately 9.7 metres wide. A swept path analysis has been submitted, which shows a vehicle turning left into the access as another vehicle is exiting to turn right out of the site. I can confirm that vehicles are able to undertake this manoeuvre.

In accordance with current guidance contained within Manual for Streets (MfS), visibility from the site access is required to be 2.4 metres x 43 metres in both directions commensurate with the posted speed limit of 30mph. Whilst visibility splays of 2.4 metres x 43 metres to the south (right on exit) and visibility to the Glebe Road/North Road junction to the north (left on exit) are achievable from the proposed access point, the splays in both directions would pass over Common Land. As the visibility splays fall outside of the application site and are not within public highway, they are currently considered to be outside of the applicants control. Therefore, to guarantee they can be achieved and maintained in perpetuity, the applicant is required to secure consent from the Secretary of State, through a Section 38 application.

### Trip Generation

In terms of trip generation, within the submitted Transport Statement, the applicant has undertaken a TRICS(R) (Trip Rate Information Computer System) analysis of both the existing and proposed uses on site. The figures derived from the TRICS database are similar to the figures that were previously found

acceptable by the Highway Authority as part of the previous application, however for clarity I have included the table from the Transport Statement below.

**Table 10: Net Change - Existing vs Proposed Trip Generation**

Period	Total Vehicle Trips Generated		
	Arrivals	Departures	Two-Way
AM Peak	+27	+22	+49
PM Peak	+20	+23	+44
Daily	+126	+125	+251

Traffic Impact

The TS has concluded at paragraph 5.34 that ‘is not considered there is a need for further junction capacity assessments, given the impact of the development is likely to be well within the levels of fluctuation at the surrounding junctions and below the trigger point of further assessment.’

The Highway Authority is aware that the proposed development has received a lot of local interest, and as such, information has been provided with regard to the impact of the development traffic on the wider highway network. The trips associated with the development have been distributed onto the Local Highway Network using Journey to Work Census data. The level of movements generated by the proposals are immaterial given the existing flows in the vicinity of the site, and therefore, I do not consider that the development would give rise to an unacceptable impact on these junctions or any other junction in the vicinity of the site, given the existing flows on the network in the vicinity.

Parking

In terms of parking, I note that since the previous application on site, the new Buckinghamshire Countywide Parking Guidance document has come into effect. With the site being located in non-residential Zone 2, the following indicates the required level of parking for the proposals:

Replacement Rectory Dwelling – 2 spaces

Parish Centre (740sqm public area) - 93 parking spaces

Office (60m2) - 3 parking spaces

Pre-school (5 FTE Staff) - 5 parking spaces

Café use (136sqm) - 14 parking spaces

As this is the case, the development as a whole would require 117 parking spaces to be provided, in line with the aforementioned guidance. As per the submitted plan, 114 car parking spaces have been provided, a shortfall of 3 spaces on the site. However, given the propensity for linked trips within the site, (for example, visitors to the parish centre also visiting the café) I do not consider that this minor lack of parking provision would result in a detrimental impact to highways safety or convenience in this circumstance. I also note that some of these spaces would be contained within the overflow parking area, which is currently shown as grassed. This area will need to be comprised of hard-bound surfacing

to prevent vehicles from churning up the grass and getting stuck in the mud. I trust that this can be dealt with by way of a suitable condition.

### Site Layout

Parking bay spaces are required to be a minimum of 2.8m x 5m and all parallel spaces should be 3m x 6m with additional manoeuvring space at each end. Having assessed the proposed site layout as shown on drawing no. PA-04, I can confirm that the proposed spaces are of adequate dimensions.

Aisle widths in parking areas are required to be a minimum of 6 metres in width to provide an adequate reversing distance for vehicles to manoeuvre. I can confirm that this has been provided within the site.

Drawing no. PA-04 shows that the overflow parking area would have a grass surface. It is expected that as this area will be utilised, the surface will quickly churn up and become muddy. The surface proposed for the overflow parking area will therefore need to be more durable.

There is a covered cycle store proposed to the north, and east of the Parish Centre building, which would accommodate 36 bicycles, as well as an uncovered rack to the east, accommodating a further 10 spaces, resulting in a total of 46 spaces. The provision of cycle parking is welcomed, and whilst the Buckinghamshire Countywide Parking Guidance does not specifically have any standards in relation to the numbers of cycle spaces for pre-schools and churches, I note that a total of 36 cycle parking spaces were previously found to be acceptable, and as such I find the total of 46 spaces proposed in this application to be acceptable.

All proposed footpaths are at least 2m in width, which I can confirm is acceptable in this instance. Appendix B of the TS includes a swept path analysis which shows a 10.32m refuse vehicle entering/exiting and traversing through the site, with the swept path analysis indicating there is sufficient space to accommodate a larger vehicle.

### Conclusion

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 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 to the south, and towards the Glebe Way/North Road junction to the north. The splays to the left from the Glebe Way/North Road junction will also be 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.

Condition 2: The scheme for parking and manoeuvring and the loading and unloading 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, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

Condition 3: No other part of the development shall begin until the existing means of access has been altered in accordance with the approved drawing 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 4: Prior to the commencement of any works on the site, a Construction Traffic Management Plan detailing the management of construction traffic (including vehicle types, frequency of visits, routing arrangements, expected daily time frames, use of a banksman, wheel-washing facilities, on-site loading/unloading arrangements and parking of site operatives vehicles) shall be submitted and approved in writing by the Planning Authority in consultation with the Highway Authority. Thereafter, the development shall be carried out in accordance with such approved management plan.

Reason: This is a pre-commencement condition as development cannot be allowed to take place, which in the opinion of the Highway Authority, could cause danger, obstruction and inconvenience to users of the highway and of the development.

Condition 5: No part of the development shall commence until a Travel Plan framework 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 a full analysis of the modal split at existing sites and indicate targets for modal shift in the forthcoming year. 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”.

### **Historic England:**

Thank you for your letter of 3 December regarding the above application for planning permission. On the basis of the information available to date, in our view you do not need to notify us of this application under the relevant statutory provisions, details of which are enclosed. If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request.

### **Heritage Team:**

#### Summary

As the NPPF states, heritage assets are an irreplaceable resource and it is important to conserve them in a manner appropriate to their significance. Further information/amendments are therefore required.

#### Heritage Assets

The Rectory – Grade II listed building

Stable Block to the East of The Rectory – Grade II listed building

Chesham Bois Conservation Area

The above are designated heritage assets.

### Relevant planning history

PL/20/0401/FA - Redevelopment of the site to create a new multifunctional Parish Centre with cafe, day nursery building, replacement rectory with detached garage, additional staff dwelling, 2 outbuildings to provide prayer room and substation/bin and bicycle store, associated parking and landscaping (Refused and Appeal Dismissed)

### Discussion

The site is located within the parish of Chesham Bois. It is situated to the south of North Road, west of Glebe Way, and north of South Road. It currently includes St Leonard's Parish Centre with associated parking, The Rectory, and some small outbuildings. The existing parish centre is used by a number of local groups such as Maryland pre school, the Taylor School of Dancing, the Women's Institute and St Leonard's Church office.

The application site includes The Rectory, a Grade II listed building and is also located within Chesham Bois Conservation Area. The site also located adjacent to The Stables a grade II listed building.

This proposal seeks planning permission to demolish the existing parish centre in Chesham Bois, the associated outbuildings, and The Rectory; and redevelop the site to provide a new parish centre, prayer room, pre-school, a new Rectory. Associated parking and landscaping is also provided.

The current mature hedgerows and trees forming the western boundary would not be affected by the development proposal, hence the existing screening between the rear of The Old Rectory, the associated stables east of the Old Rectory and the site would remain in place. The existing boundary would also be further supplemented by additional planting. The proposed new rectory would also be moved further east away from the listed building than the current parish centre. Also the distance between the new parish centre and the listed buildings would also increase as the new built form would be moved further east. Additional screening would also be provided within the site.

However the proposal would involve the loss of a large amount of landscape space of former common land, with a major increase in the size and floor area of the built form and the significance amount of proposed parking which would be positioned hard on the eastern and southern boundaries of the listed buildings. I can see no clear justification for the scale and increase in the size of development and in particular the large increase in parking area, in particular when active travel should be strongly encouraged.

The position and amount of car parking has the potential to intrude on the setting of the designated heritage assets through both noise and lighting. The buildings have large amounts of glass walling and a glass dome, plus the large car park would be lit. This extra lighting and possible need for new footpaths has the potential to intrude into the setting of the listed buildings and urbanise the area and change the character of the road from a semi-rural lane which separates Chesham Bois from Amersham. This potentially would materially change the character and appearance of the conservation area. As such, at the current time I consider that the size and scale of this proposed development is excessive and the need has not been sufficiently demonstrated.

### Heritage Policy Assessment

This assessment will be made once the requested additional information (see below) has been received.

### Conclusion

For the reasons given above it is felt that in heritage terms: The following further information and/or amendments are required before the application can be determined/fully assessed:

- Justification for the scale of the proposed development in this small community;
- Lighting impact assessment on the designated heritage assets”.

**Tree Officer:**

The whole site is within the Chesham Bois Conservation Area and is surrounded by the Chesham Bois Common. The current proposal has many similarities to the previous application, PL/20/0401/FA, which was dismissed on appeal, although the additional staff dwelling is no longer proposed.

The application includes a revised Arboricultural Impact Assessment, which in turn includes a revised tree survey.

The report identifies 15 trees in poor condition for removal and in addition states: Four category ‘C’ trees (T18, T40, T44 & T81), three category ‘C’ groups (G2, G4 & G5) and one category ‘C’ hedge (H1) will be removed to implement the scheme. In addition to the category ‘C’ removal it is further proposed to remove six category ‘B’ trees (T1, T16, T17, T19, T20 Sycamore x 5 & T66). With the exception of T66, these trees form part of an internal belt running adjacent to the existing access to The Rectory.

These tree losses are similar to the previous application but the report notes that a number of trees have declined in condition since the original survey. Generally, the trees around the boundaries of the site are shown to be retained and would maintain screening around the site.

The Arboricultural Impact Assessment refers to no dig construction for parking spaces, which would be appropriate particularly within the root protection areas of the retained trees.

The application includes a Landscape Framework Plan that shows the indicative planting of many new trees and hedges along with other landscaping and ecological improvements. This includes many trees around the proposed parking areas along with new hedging around some historic boundaries and hazel coppice by the car park boundary to improve screening.

Overall the proposal shows the retention of the better trees on the site and proposes significant new planting so I would not object to the application provided there is adequate protection for the retained trees.

**Sustainable Drainage Officer:**

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

- Location Plan (PA-01, 27.09.2022, Paul Southouse Architects)
- Existing Site Plan (PA-03, 27.09.2022, Paul Southouse Architects)
- Existing and Proposed Block Plans (PA-02, 27.09.2022, Paul Southouse Architects)
- Proposed Site and Roof Plans (PA-04, 27.09.2022, Paul Southouse Architects)
- New Rectory Plans (PA-09, 27.09.2020, Paul Southouse Architects)
- Proposed Drainage Plan (051 P06, 19.08.2022, Engineers HRW)
- Flood Risk Assessment and Drainage Strategy (3278-CHES-ICS-XX-RP-C-001 Rev D, December 2022, Infrastruct CS Ltd)



- Topo Survey of St. Leonards Church (db3678-TOPO, 27.09.2018, DesignBase Surveying & BIM)
- Groundwater Flood Risk (B127F002-CDC-SBDC-FIG-17, Jacobs, 28.11.2018)
- JBA Groundwater Depth Mapping (B127F002-CDC-SBDC-SFRA-FIG-19)
- MicroDrainage (04.08.2020, Infrastruct CS ltd)
- Ground Investigation Report (GWPR3396, Uploaded to Planning Portal 23.11.2022, Ground and Water Ltd)
- Exceedance Plan (053 P03, 05.08.2020, Engineers HRW)
- SuDS Maintenance Guide (3278-CHES-ICS-RP-C-07.002-Rev B, August 2020, Infrastruct CS Ltd).

The LLFA has no objection to the proposed development subject to the following planning conditions listed below being placed on any planning approval.

### **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 low risk of surface water flooding (meaning there is 0.1% and 1% likelihood of flooding occurring in a given year). This is anticipated to have a flood depth of 300mm in the location of the existing hall. Finished floor levels of above 300mm will address this matter. An online version of this mapping data is available to view through the Environment Agency's Long term flood risk information mapping.

The Infiltration SuDS Map provided by the British Geological Survey 2016, indicates that the water table is anticipated to be at depths greater than 5 metres below the ground surface. This means that there is a low risk of groundwater flooding.

### **Surface water drainage**

The applicant has proposed to manage surface water runoff generated by the proposed development using permeable paving for the access road and parking bays. Overflow from the main access road will be discharged into a swale, whereby a 50mm orifice will discharge runoff into the downstream permeable paving. All features will be unlined to allow for the infiltration of water into the underlying geology. Any exceedance will be routed to a borehole soakaway where necessary. The LLFA are also pleased that the proposals include a green roof. The scheme therefore meets all four Pillars of SuDS (Section 2.1 of the CIRIA SuDS Manual, 2015): water quantity, water quality, biodiversity, and amenity.

### Ground Investigations

The FRA confirms that one infiltration rate test was conducted in trial pit two and this achieved a rate of  $1.24 \times 10^{-7} \text{m/s}$ . It is understood that the proposed depth of the permeable paving will be similar to that of trial pit one, which achieved rates of  $8.54 \times 10^{-5} \text{m/s}$ . In order to address the variability of the infiltration potential across the site, blanket infiltration is to be prioritised, thus mimicking the existing drainage regime along with varying depths of the permeable paving subbase to suit the local conditions. The revised FRA includes a recommendation that infiltration rate testing of the proposed deep borehole soakaway must be carried out along with further investigations relating to chalk dissolution.

## Calculations

Calculations have been provided to demonstrate that the proposed drainage system can contain up to the 1 in 100 year +40% climate change allowance storm event without flooding. For the critical storm duration (360-minute winter storm), Area 2 requires 141.6m<sup>3</sup> attenuation volume, and Area 1 requires 336.9m<sup>3</sup> for the 2160-minute winter storm critical storm duration. It is noted that the half drain time exceeds 7 days, however, exceedance from Area 1 will discharge directly to the borehole soakaway.

## Drainage Layout

An indicative drainage layout has been provided. The attenuation volumes illustrated match those in the calculations. At detailed design, a detailed surface water drainage layout is 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.

## Construction Drawings

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

The applicant has provided a Water Quality Assessment based on the proposed scheme. This demonstrates that the proposed attenuation basin provides sufficient water quality treatment. This, however, should not stop the applicant from seeking to provide additional above-ground SuDS components such as rain gardens and tree pits.

## Maintenance

An indicative maintenance schedule has been provided. An updated detailed maintenance schedule for the whole scheme must be provided at detailed design.

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 Flood Risk Assessment and Drainage Statement (ref. 3278-CHES-ICS-XX-RP-C-001 Rev D, November 2020, Infrastruct), 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:

- Assessment of SuDS components as listed in the CIRIA SuDS Manual (C753) and provide justification for exclusion if necessary
- Demonstrate that water quality, ecological and amenity benefits have been considered

- Infiltration rate testing in accordance with BRE365 in the locations of the proposed infiltration components as shown on Drawing no. 051 Rev. P06.
- Subject to infiltration being inviable, the applicant shall demonstrate that an alternative means of surface water disposal is practicable subject to the drainage hierarchy as outlined in paragraph 080 of the Planning Practice Guidance.
- 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. • Detailed drainage layout with pipe numbers, gradients and pipe sizes complete, together with storage volumes of all SuDS components

Full construction details of all SuDS and drainage components

- 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
- Whole-life maintenance schedule
- 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.

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 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.”

#### **Ecology Officer:**

Comments received 5<sup>th</sup> January 2023:

Holding Objection – Further Information Required

The following information is required prior to determination of the application:

- Bat activity survey results
- Biodiversity Net Gain Report (to include a copy of the complete Biodiversity Metric 3.1 in excel format and habitat condition assessment of the existing grassland)

The application is supported by a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) (Arbtech, 07/11/2022).

#### Site Designations

##### **Chilterns Beechwoods Special Area of Conservation**

The application site is located within the 12.6km Zone of Influence (ZOI) of the Chilterns Beechwoods Special Area of Conservation (SAC) (the Ashridge Commons and Woods Site of Special Scientific Interest (SSSI) which is component of the Chilterns Beechwoods SAC). The ZOI identifies the area which net increase in residential development would be expected to result in increased recreational pressure and impact on the Chilterns Beechwoods SAC. There is a presumption against any net increase in residential development within the 12.6km ZOI and 500m avoidance zone. It is understood from the proposal that there will be no net increase of residential units. If there is, please consult Natural England on this application.

## **NERC Act Section 41 Habitat of Principal Importance**

The site is adjacent to NERC Act Section 41 Habitat of Principal Importance – Priority Habitat ‘Deciduous Woodland’.

### Protected Species

#### **Bats**

From the initial inspection of the buildings hundreds of bat droppings were recorded in the loft 1 of building B2 (the rectory). A low number of bat droppings were also found in loft 2 of the same building. From the activity surveys the following roosts were identified within the site however the full results of the activity surveys were not submitted as part of the application. I would recommend that these results are submitted prior to determination.

- One day roost of common pipistrelles with a peak count of 2 individuals was identified in building B1.
- One day roost of a common pipistrelle with a peak count of 1 individual was identified in building B2.
- One transitional/occasional roost of brown long-eared bats was identified in the secondary loft (loft 2) of building B2.
- One maternity roost of soprano pipistrelles with a peak count of 11 individuals was identified in building B2.
- One maternity roost of brown long-eared bats was identified in the main loft (loft 1) of building B2.

As roosting bats are present a Natural England European Protected Species licence will be required to proceed with the proposed works.

Mitigation measures were stated in the PEA and PRA report and the location of the replacement bat loft was provided in the submitted document Environmental Concept and Approach. It should be noted that the existing loft space that supports maternity roosts of both brown long-eared bats and soprano pipistrelles is approximately 8m x 9m x 5m. I would therefore request if a larger roof space can be allocated as a bat loft in the new building, providing a ‘like for like’ replacement for the roosting space lost.

In addition, by considering the location of the existing Rectory (that supports the maternity roosts) and the proposed layout (locating the bat loft to the north of the site, in close proximity to a road and further away from the Priority Habitat, separated from the woodland by parking spaces), I would also recommend if possible other options are explored for the location of the bat loft.

It would be ideal if a purpose-built bat loft building is located to the south-west of the site, next to the deciduous woodland, as it would be more likely to be successful in particular to host brown long-eared bats that are ones of the most light-sensitive bat species. The consultant ecologist is welcomed to contact me to discuss the bat loft.

#### **Great crested newts**

As ponds exist within 300m of the site and were subject to eDNA survey please consult the Newt Officer for this application.

## **Construction Environmental Management Plan**

To safeguard other protected species on site and the adjacent Priority Habitat from pollution/dust deposition a Construction Environmental Management Plan (CEMP) will be required to be secured via a condition to any approval subsequently granted.

### Biodiversity Net Gain

#### **Background, Policy and Legal Requirements**

Biodiversity Net Gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand. The Environment Act 2021 sets out the key components of mandatory biodiversity gain. There is a transitional two-year implementation period with the mandatory requirement for 10% BNG due to come into force in November 2023.

During the transition period, the development proposals need to demonstrate measurable gains in biodiversity in accordance with the National Planning Policy Framework (NPPF) and relevant Local Planning policies (Chiltern District Local Plan, Adopted September 1997 (CDLP) and Chiltern Core Strategy, Adopted 2011 (CCS)).

Buckinghamshire Council has an adopted Biodiversity Net Gain Supplementary Planning Document (BNG SPD) which provides further information on how BNG can be achieved in Buckinghamshire. Buckinghamshire Council has an aspiration to achieve at least a minimum 10% net gain.

#### **Biodiversity Net Gain Report**

A Biodiversity Net Gain Report is required to be submitted with this application to demonstrate that BNG can be achieved as part of the proposed development. The BNG Report should adhere to current industry best practice 'Biodiversity Net Gain Report and Audit Templates' (CIEEM, 2021) and include:

- A Summary of key points;
- Introduction to the site, project, planning status, certainty of design and assumptions made, the aims and scope of the study and relevant policy and legislation;
- Methods taken at each stage; desk study, approach to BNG and evidence of technical competence and limitations;
- Baseline conditions of the site including; important ecological features and their influence on deliverability of BNG, baseline metric calculations and justifying evidence, and a baseline habitat plan that clearly shows each habitat type and the areas in hectares;
- Justification of how each of the BNG Good Practice Principles has been applied;
- Proposed Design to include a proposed habitat plan and details of what will be created. This can be taken from the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans. The plan should clearly show what existing habitat is being retained and what new habitat will be created. It should be easy to identify the different habitat types and show the areas in hectares of each habitat or habitat parcel;
- Biodiversity Metric spreadsheet, submitted in excel form, and using latest version of the metric, that can be cross referenced with the appropriate plans. A small sites metric is also available for sites less than 0.5ha or fewer than 9 dwellings and under 1ha;
- Implementation Plan including a timetable for implementation
- BNG Management and Monitoring Plan

## **Applying the Mitigation Hierarchy (Principle 1 of achieving BNG)**

Biodiversity Net Gain should be achieved following 'The BNG Good Practice Principles' (CIRIA, CIEEM, IEMA, 2016). Achieving BNG requires compliance with the mitigation hierarchy with adverse impacts on the natural environment first avoided.

We welcome the installation of green roof and new native tree planting however it appears from the plans that there is no sufficient habitat buffer between the development and the Priority Habitat 'Deciduous Woodland'. A larger buffer should be maintained between the proposed development and the boundary of this woodland.

### Artificial Lighting

Bats may be impacted by artificial lighting as a result of the proposed development. Artificial lighting design needs to be designed in accordance with the 'Guidance Note 08/18: Bats and artificial lighting in the UK' (Institute of Lighting Professionals, 2018).

Lighting details will be required to understand the impacts of the proposals. An illuminance plan/contour plots should be provided which show the extent of light spill and its intensity (minimum and maximum lux values). Models should include light from all luminaires, and each should be set to the maximum output anticipated to be used in normal operation on site. A Lighting design strategy for light-sensitive biodiversity can be secured via a condition to any approval subsequently granted.

### Legislation, Policy and Guidance

#### **Reasonable Likelihood of Protected Species**

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2019), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017. The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states: "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, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations, before permission is granted."

#### **European Protected Species Licensing**

Before granting planning permission, the local planning authority should satisfy itself that the impacts of the proposed development on European Protected Species (EPS) have been addressed and that if a

protected species derogation licence is required, the licensing tests can be met, and a licence is likely to be granted by Natural England.

As a EPS licence is required the applicant will need to provide the answers to all three licensing tests, alongside a mitigation strategy. The three tests are that:

1. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
2. there must be no satisfactory alternative; and
3. favourable conservation status of the species must be maintained.

Together with the ecologist's report, which answers test 3, the applicant should provide written evidence for tests 1 & 2. This can be contained within the ecological report or as separate document.

If the competent authority is satisfied that the three tests can be met, it should impose a planning condition preventing the development from proceeding without first receiving a copy of the EPS licence or correspondence stating that such a licence is not necessary. This approach ensures compliance with the Conservation of Habitats and Species Regulations 2017(as amended) and enables a local planning authority to discharge its obligations under the Crime and Disorder Act and its wider duties under Section 40 of the Natural Environment and Rural Communities Act 2006 in relation to protected species.

#### **Section 41 Priority Habitat**

Local planning authorities have a duty to conserve 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 of biodiversity when carrying out their normal functions.

#### **Biodiversity Net Gain Paragraph**

120a of the National Planning Policy Framework (NPPF) states: "Planning policies and decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside".

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".

Paragraph 180d of the NPPF states that: "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 incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."

#### **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."

Comments received 7<sup>th</sup> June 2023:

Holding Objection – Further Information Required

An updated badger survey within 30m site radius of the red line boundary of the site and revised badger mitigation measures are required prior to determination of the application.

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

Circular 06/2005).

Badgers and their setts (including tunnels) are protected under the Protection of Badgers Act 1992. It is an offence to cause the 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.

Paragraph 124 of Circular 06/2005 appended to the NPPF states: "the likelihood of ... adversely affecting badgers foraging territory or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions".

Comments received 25<sup>th</sup> August 2023:

### **Summary**

No objection, subject to conditions

### **Discussion**

Following our previous comments dated 5th January 2023 further information was provided relating to protected species and biodiversity net gain. I reviewed the reports produced by Arbtech and the history



of this application site, including the Inspector's decision for a previous appeal (APP/X0415/W/21/3278072).

## **Protected Species**

### **Bats**

It is understood that the maternity brown long-eared bat roost will be accommodated in the loft of the replacement rectory. I agree with the proposed mitigation and recommend that the bat loft is secured via a condition to the application. As roosting bats (brown long-eared bats, common and soprano pipistrelles) will be impacted on a Natural England European Protected Species licence is required to proceed with the proposed works. I would recommend that the licence is secured via a condition to any approval granted.

### **Badgers**

Further badger surveys were undertaken...I would recommend that a Natural England badger development licence is secured via a condition...It should be noted that updated detailed badger survey may be required if the works are delayed.

### **Great crested newts**

For great crested newt matters please refer to the Newt Officer's comments.

### **Other protected species**

The proposed construction works may impact on other protected and notable species such as nesting birds, common amphibians, reptiles and hedgehog. A Construction Environmental Management Plan(CEMP) should be produced and secured via a condition to any approval granted. The CEMP should address all reasonable avoidance measures to take to safeguard protected and notable species during construction but also to prevent pollution/impacts on ground flora of the surrounding NERC Act Section 41 Habitat of Principal Importance Deciduous Woodland. 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. We expect to see details of type, location and means of installation and maintenance FOR EACH PHASE.
- Specifically state the agreed buffer zones relevant to each phase. For example a minimum buffer of 5m around all on-site hedgerows and ditches has been agreed, but this will need to be increased in some phases to protect other biodiversity features (e.g. where badger setts and mature trees are present).
- Details of inspections to ensure wildlife (e.g. badgers and brown hares) 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 sites works, relevant planning conditions and any protected species licences are kept in the site office and are available to refer to at any time.

### **Lighting**

Bats may be impacted by artificial lighting as a result of the proposed development. Artificial lighting design needs to be designed in accordance with the updated 'Guidance Note 08/ 23: Bats and artificial lighting in the UK' (Institute of Lighting Professionals, 2023).

Sources of lighting which can disturb bats are not limited to roadside or external security lighting, but can also include light spill via windows, permanent but sporadically operated lighting such as sports floodlighting, and in some cases car headlights.

Where bat features or habitats are particularly important or sensitive it may be appropriate to avoid, redesign or limit lighting accordingly. Examples of mitigation measures include dark buffers, illuminance limits and zonation, appropriate luminaire specifications, sensitive site configuration, screening, glazing treatments, creation of alternative valuable bat habitat on site, dimming and part- night lighting.

It is understood that the proposed car park will be lit by bollards. A dark zone should be maintained at the periphery of the site and around the new rectory as it will host the maternity roost of brown long-eared bats. The brown long-eared bat is one of the most light-sensitive species.

I would recommend that a lighting design strategy for biodiversity, detailing light fittings, lux levels and timings of lighting, is secured via a condition to any approval granted. The plan illustrating lux levels should also include measurements across the boundaries of the site so we can understand if there will be lighting ingress in the surrounding woodland.

#### Timing of Lighting Use

Bats emerge from their roosts and start foraging at dusk (approximately 30 minutes after sunset). Impacts on bats can therefore be reduced by restricting the times at which lights can be switched on. During winter (November to March) bats are usually hibernating, so there is no restriction on lighting times. During the summer months, bats emerge later, and it is likely that floodlighting, sports lighting etc will not be needed anyway. Impacts on bats are higher in the April/May and September/October time periods when bats emerge earlier when most lighting will be on. The impact on bats is increased after mid-October when we change from British Summer Time by subtracting an hour. The table below shows recommended 'switch-off' times for lights during the active bat season:

March GMT 18.30; BST 19.30

April 20:30

May 21:15

June 21:45

July 21:30

August 20:45

September 19:45

October BST 18:45; GMT 17:15

Note: the above times have been derived by taking the average of the sunset times on the first and last days of the month, adding 30 minutes, and rounding up to the nearest 15 minutes.

#### **Biodiversity Net Gain**

Biodiversity Net Gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand. The Environment Act 2021 sets out the key components of mandatory biodiversity gain. There is a transitional two-year implementation period with the mandatory requirement for 10% BNG due to come into force in November 2023.

During the transition period, the development proposals need to demonstrate measurable gains in biodiversity in accordance with the National Planning Policy Framework (NPPF) and relevant Local Planning policies.

Buckinghamshire Council has an adopted Biodiversity Net Gain Supplementary Planning Document (BNG SPD) (<https://www.buckinghamshire.gov.uk/environment/ecology-and-biodiversity/biodiversity-net-gain/>) which provides further information on how BNG can be achieved in Buckinghamshire. Buckinghamshire Council has an aspiration to achieve at least a minimum 10% net gain.

According to the revised biodiversity metric 3.1 that was submitted (dated 20th February 2023) the proposed development will result in a net gain of 3.07 habitat units equivalent to 37.30% on-site net % change and 0.43 hedgerow units equivalent to 374.96% on-site net % change.

The main change since the original metric is that the proposed 'other neutral grassland' of 'good' condition would be in the overflow car park thus unlikely to reach the species diversity required for a neutral grassland of good condition. This grassland was revised to 'modified grassland' of 'moderate' condition (as the area will be seeded with a wildflower mix).

The predicted biodiversity net gain is in line with the NPPF. To ensure that the proposed habitat creation will be implemented, and habitats will be managed for a period of minimum 30 years a Landscape Ecological Management Plan should be produced and secured via a condition to any approval granted.

### **Replacement Bat Roost Features & Biodiversity Enhancements**

In line with recognised good practice and government policy on biodiversity and sustainability, all practical opportunities should be taken to harmonise the built development with the needs of wildlife.

In this instance it is appropriate for the following provisions for wildlife to be built into the development, including replacement roosting features for the common and soprano pipistrelles.

**Bats:** At least 6 bat boxes integrated into the buildings on a southerly aspect/orientation (south, south-west and south-east). Example specifications include the Habibat Bat Box shown below or Schwegler 1FR/2FR Bat Tube. The boxes should be located a minimum of 2 metres, but ideally 5-7 metres above ground, in a position near the eaves or gable apex. Placement should avoid windows, doors and wall climbing plants.

Additional bat boxes to be installed on mature trees within the site.

**Swifts:** At least 4 swift boxes integrated into the buildings on a northerly aspect/orientation (north, north-east and north-west). Example specification includes the Manthrope 'GSW B' SwiftBrick as shown below or the Vivara Pro Cambridge Brick Faced Swift Nest Box. The box(es) should be located high within the gable wall, ideally above 5m high, below the overhang of the verge and barge board.

**Hedgehogs:** Boundaries and barriers within and surrounding the development, including fencing, railing and gates need to be made permeable to hedgehogs through the provision of 'Hedgehog Highways'. Hedgehog holes can be created by 13x13cm holes at ground level within fences, or by leaving a sufficient gap beneath gates and/or leaving brick spaces at the base of brick walls.

Alternatively, hedgehog friendly gravel boards are suitable (as shown below sourced by Kebur Garden Materials and Jacksons Fencing). To ensure holes are kept open 'Hedgehog Highway' signage should be provided (as shown below sourced by Peoples Trust for Endangered Species and/or the British Hedgehog Preservation Society) and secured above the holes.

**Reptiles and Amphibians:** Hibernacula should be created on-site to provide features for reptiles and amphibians to hunt for food, use as shelter and hibernate within during the winter. Hibernacula can be created using a variety of materials, including, grass piles/compost, loose stones and soil as wells log/brush piles. Hibernacula should be located within proximity to habitat features used by reptiles and amphibians, including sunny spots such as southward facing banks, dense vegetation/ hedgerows and waterbodies such as ponds. Examples of suitable designs and methodologies for creating hibernacula can be located within, but not limited to, the Great Crested Newt Conservation Handbook, Froglife 2001 (see diagram below) and the RAVON + ARG UK Grass Snake Egg-laying Heaps Flier, 2019.

## **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.

European Protected Species Licensing A High Court ruling concluded that local authorities must consider all applications where European Protected Species are likely to be affected and a European Protected Species licence is required, by considering the three tests applicable to the Habitats Directive. The ruling stated the following:

"When dealing with cases where a European Protected Species may be affected, a planning authority... has a statutory duty under Regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercises of its functions. Further the Directive's provisions are clearly relevant in reaching planning decisions, and these should be made in a manner which takes them fully into account ...".

Before granting planning permission, the local planning authority should satisfy itself that the impacts of the proposed development on European Protected Species (EPS) have been addressed and that if a protected species derogation licence is required, the licensing tests can be met and a licence is likely to be granted by Natural England.

As an EPS licence is required the applicant will need to provide the answers to all three licensing tests, alongside a mitigation strategy. The three tests are that:

1. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
2. there must be no satisfactory alternative; and
3. favourable conservation status of the species must be maintained.

Together with the ecologist's report, which answers test 3, the applicant should provide written evidence for tests 1 & 2. This can be contained within the ecological report or as separate document.

If the competent authority is satisfied that the three tests can be met, it should impose a planning condition preventing the development from proceeding without first receiving a copy of the EPS licence or correspondence stating that such a licence is not necessary. This approach ensures compliance with the Conservation of Habitats and Species Regulations 2017(as amended) and enables a local planning authority to discharge its obligations under the Crime and Disorder Act and its wider duties under Section 40 of the Natural Environment and Rural Communities Act 2006 in relation to protected species.

## **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.

Paragraph 124 of Circular 06/2005 appended to the NPPF states: "the likelihood of ... adversely affecting badgers foraging territory or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions".

## **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 (NERC Act) as Species of Principal Importance – Priority Species.

## **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.

## **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 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 (2021) 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 (2021) 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.”

### **NERC Act Section 41 Priority Habitat**

Local planning authorities have a duty to conserve 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 of biodiversity when carrying out their normal functions.

### **Newt Officer:**

#### Summary

No Objection subject to condition regarding the provision of a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents.

For all other matters relating to Ecology please refer to the Ecology Officer’s Comments.

#### Discussion

The following document has been reviewed:

- Great Crested Newt eDNA survey, St Leonards Parish Centre, Arbtech, July 2023

The report concluded that one of the nearby ponds had no evidence of aquatic vegetation, implying it has been dry for some time. An eDNA survey was carried out for the second pond returning negative for great crested newt presence in both 2019 and 2023. Precautionary measures were then recommended.

I am satisfied with the findings of the report and recommend a compliance condition is used to ensure adherence. A great crested newt informative has also been provided.

For all other matters relating to Ecology please refer to the Ecology Officer’s comments.

#### Conditions

Control to implement development in accordance with agreed document/plans

Condition: The development shall be implemented in accordance with the agreed mitigation plan (Great Crested Newt eDNA Survey, St Leonards Parsh Centre, Arbtech, July 2023, Section 4). Any variation to the agreed plan shall be agreed in writing with the local planning authority before such change is made. The condition will be considered discharged following; a written statement from the ecologist acting for the developer testifying to the plan having been implemented correctly.

### Informatives

Protection of great crested newts and their breeding/resting places

Informative: The applicant is reminded that, under the Conservation of Habitats and Species

Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England or opt into Buckinghamshire Council's District licence. If a great crested newt is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

### Legislation, Policy and Guidance

Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2019), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017. The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG2007 'The validation of planning applications' states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

"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, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations before permission is granted."



## 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 deliberately 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 (see the legislation or seek legal advice for full details). Buckinghamshire Council have a statutory duty in exercising of all their functions to 'have regard, so far is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', as stated under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC). As a result GCN and their habitats are a material consideration in the planning process.

## Representations

At the time of drafting this report, 290 representations have been made on the application. 239 of these object, 45 support, and 6 are neutral. These are summarised below:

### Support:

- Will support the local community in many ways
- Useful facility
- Will enhance the area
- Place where everyone can meet and enjoy being part of the parish
- Amendments that have been made overcome planning objections
- Design has been well considered and is sympathetic to the environment
- Residential property is in keeping with surrounding properties
- Support from Maryland pre-school
- Generous provision from the church should be welcomed

### Object:

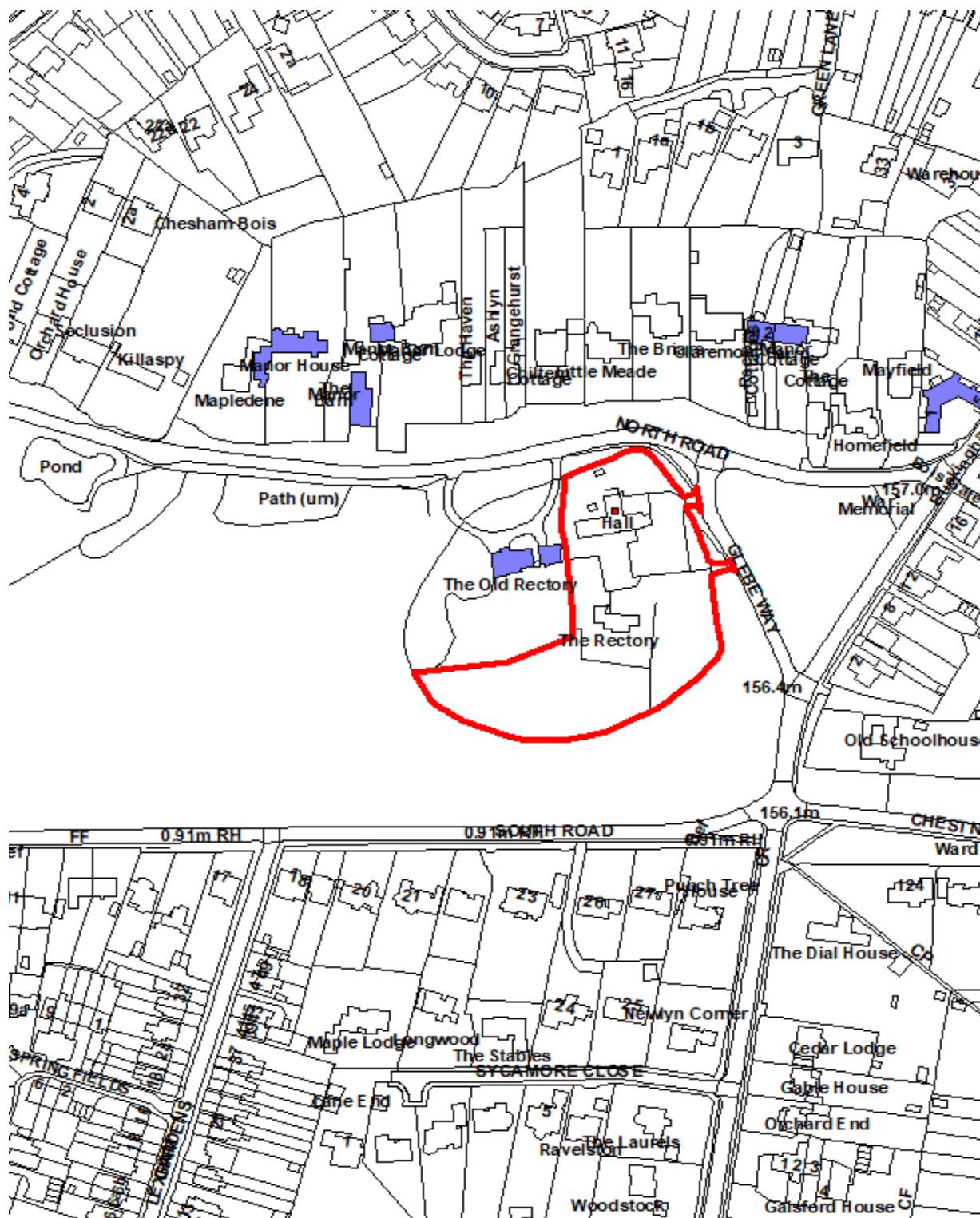
- Same proposal as before, developer has not taken into account local objections
- Lack of community engagement
- Inaccuracies in application
- Some reports have not been updated since previous application
- Proposal is contrary to planning policies
- Inspector erroneously rejected the reasons for refusal given by the Council
- Proposal is too large for the area
- Out of character with conservation area
- Harmful to nearby historic and listed buildings
- Inevitable closure of existing St Leonards Church
- Excessive parking will not encourage reduced car usage
- Inadequate parking for number of visitors to the site
- On-street parking has been formalised since the previous application
- Increase in traffic creates hazards on the roads
- Application seeks to widen access and create sight lines on Common Land which is outside their control
- Difficult for refuse vehicles to enter the site and bin storage area is remote from main building

- Traffic generation data and parking information is unreliable
- Facility is for people outside the parish and not for local people
- Do not need another facility like this (alternative venues include Chiltern Lifestyle Building, Jubilee Hall, Rectory Hill Scout Hall, Amersham Band Hall, Kings Church on Raans Road).
- Harm to wildlife and trees
- Impact on the Chiltern Beechwoods SAC
- Increased noise and light pollution
- Issues with surface water drainage
- Inadequate security on site
- Objection from Protect Chesham Bois Common and Surrounding Area group
- Objection from Chesham Bois Parish Council as adjoining land owner.

Comment:

- Replacement building is required but not at this scale.

**APPENDIX B: Site Location Plan**



Do not scale – this map is indicative only

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## APPENDIX C: Appeal Decision Notice for PL/20/0401/FA



## Appeal Decision

Site visit made on 1 March 2022

by **L Page BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

**Appeal Ref: APP/X0415/W/21/3278072**

**St Leonard's Church Hall, Glebe Way, Chesham Bois HP6 5ND**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by St Leonard's Parochial Church Council against the decision of Buckinghamshire Council.
- The application Ref PL/20/0401/FA, dated 31 January 2020, was refused by notice dated 15 January 2021.
- The development proposed was originally described as redevelopment of the site to create a new multifunctional parish centre, a church led cafe, purpose built day nursery, replacement rectory, additional staff dwelling (keepers cottage) and associated parking and landscaping.

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. During the course of the appeal, Natural England issued new advice regarding significant recreational pressure upon Chilterns Beechwoods Special Area of Conservation (SAC) and that there could be implications for new housing within the 12.6km zone of influence. The 12.6km zone of influence includes land within Buckinghamshire Council (Aylesbury Vale and Chilterns Districts) and the site subject to this appeal. Parties were given an opportunity to comment on any potential implications and the matter has been treated as a main issue under the appeal.
3. The appellant identified a potential oversight in notifying the parish council. However, it is not clear whether this is in reference to informal notification and consultation conducted by the appellant or otherwise. Whatever the case may be, I have no reason to question whether the parish council have been formally notified of the original application or the appeal. Indeed, they have engaged fully throughout and have not been prejudiced during any of the proceedings.
4. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to give special regard to the desirability of preserving listed buildings and their setting pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. Notwithstanding the wording in the reasons for refusal, these statutory requirements have helped determine the main issues.
5. Parties were given an opportunity to comment on the revised National Planning Policy Framework (the Framework), and any comments pertinent to the appeal have been considered accordingly.

<https://www.gov.uk/planning-inspectorate>

### **Main Issues**

6. The main issues are the effect of the proposal on the:
  - (a) integrity of Chilterns Beechwoods SAC;
  - (b) character and appearance of the area, including Chesham Bois Conservation Area and the setting of The Old Rectory and stables;
  - (c) living conditions of neighbouring occupiers; and
  - (d) highway safety.

### **Reasons**

#### *Chilterns Beechwoods SAC*

7. The site is within Chilterns Beechwoods SAC's 12.6km zone of influence. Advice from Natural England<sup>1</sup> is clear in that net increases in residential development in the zone of influence would result in likely significant effects on the SAC. This is due to the fact that recreational impacts cannot be ruled out. Whilst I recognise the appellant's point that the site is towards the outer limits, it is still captured by the zone of influence and considerations relating to recreational impacts are still relevant to the proposal.
8. I am also mindful that the zone of influence has been drawn to capture the site despite the potential presence of other recreational opportunities elsewhere. Indeed, it may well be the case that future residents would utilise other recreational opportunities nearby, but there is no evidence to suggest that they would utilise these exclusively and avoid Chilterns Beechwoods SAC in its entirety. Therefore, likely significant effects would remain.
9. Consequently, it is clear that an appropriate assessment under the Habitats Regulations is required. In this context, whilst I recognise the difficult timing of the emerging advice from Natural England, there is insufficient evidence submitted in support of the proposal to conclude that its impacts, whether alone or in combination, could be avoided or mitigated<sup>2</sup> so that the integrity of the SAC would be preserved.
10. Overall, there is insufficient evidence the proposal would preserve the integrity of Chilterns Beechwoods SAC and consequently there would be conflict with Policy CS24 of the Chiltern District Core Strategy 2011, Paragraph 180 of the Framework, and the Habitats Regulations.

#### *Character and Appearance*

11. The site is on land at the eastern end of Chesham Bois Common and sits within an extensive area of woodland with mature boundary features. Consequently, the site is heavily screened from public view. This also means that the site is visually distinct from the surrounding residential development along North Road<sup>3</sup>, Bois Lane and South Road, which fronts onto Chesham Bois Common. Whilst there are some limited views of the existing buildings when looking towards the site from North Road, the general impression is still one of a heavily wooded appearance.

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<sup>1</sup> in their capacity as the statutory nature conservation body under the Habitats Regulations

<sup>2</sup> such as contributions to strategic mitigation and secured by planning obligation

<sup>3</sup> Areas of which are designated as an Established Residential Area of Special Character

12. The existing parish centre occupies the northern part of the site and comprises a two storey building with facilities including offices for the parish council and parish church and space for a nursery and other community activities. There is a modest car park serving the parish centre and this is accessed off Glebe Way. The wide range of facilities on offer at the site means that activity levels would be noticeable throughout each day and evening of the week. Consequently, there is an established baseline of activity involving the comings and goings of people and vehicles, associated lighting and noise, altogether contributing to a character that is not of rural tranquillity.
13. The existing rectory occupies the southern part of the site and comprises a two storey building and is in mixed use with a residential element and business element associated with the parish church. It is separated from the parish centre by established boundary features and benefits from its own access off of Glebe Way. An extensive garden area occupies the southern and western parts of the site and generates an appreciable degree of openness, albeit this is not perceptible from public land due to intervening screening.
14. Chesham Bois Conservation Area includes the site within its boundaries. Among other things, the conservation area derives some of its heritage significance<sup>4</sup> from the common, attractive woodland areas, fields, trees, and hedges; all of which in combination give rise to a feeling of rural tranquillity across much of the conservation area. In addition, the conservation area also derives some of its heritage significance from the pleasing contrast between dense groups of small late 19<sup>th</sup> century terraced and semi-detached cottages and the larger detached houses which stand in substantial plots.
15. Whilst the site may make a modest contribution to the setting of buildings within the conservation area through its wooded appearance, it is clear that it cannot be regarded as contributing to the feeling of rural tranquillity. This is because the existing baseline of activity creates a character with greater degrees of vibrance.
16. It could be argued that some of the existing buildings provide neo arts & crafts design of reasonable quality, but they do not make an appreciable contribution to the special architectural interest of the conservation area. This assessment is reinforced by the fact that views into the site are heavily screened, and the buildings cannot be fully appreciated as part of the conservation area as a whole.
17. Grade II listed buildings of the Old Rectory and associated stables are located directly to the north west of the site and the majority of their heritage significance is derived from their special architectural interest. Mature boundary features separate the site and screen the majority of the Old Rectory and stables from view. Consequently, the architectural aspects of these buildings are mostly appreciated from within the grounds of the Old Rectory itself or from North Road. Historically, the Old Rectory included land<sup>5</sup> that has since been ceded to the existing rectory and due to the presence of mature boundary features the historical association is not readily identifiable. Altogether, the site makes a limited contribution to the appearance of the listed buildings' setting.

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<sup>4</sup> Chesham Bois Conservation Area Appraisal 1995

<sup>5</sup> Known as Glebe Land



18. In relation to the character of the listed buildings' setting, the situation is very similar to that already described in my assessment of the site's role as part of the conservation area, in that the character of the site is not one of rural tranquillity but one of appreciable vibrance and activity.
19. All of the existing buildings on the site would be demolished under the proposal. However, these are of limited architectural interest and heavily screened from public view so their loss would not be harmful in the round. Furthermore, the design of the buildings proposed would be of greater architectural interest and this would enhance the built form at the site.
20. The new parish centre is the largest building being delivered under the proposal. Whilst the size of the building's footprint is appreciable in extent, the height and roof profile of the building has been carefully designed into a draped canopy. This provides a more natural form and, alongside the use of sensitive materials and extensive glazing creating views through the building, would ensure it assimilates with the wooded appearance of the site and would not give rise to a sense of dominance or intrusion from adjacent public land.
21. I am also mindful of the consultation response provided by the Council's Principal Conservation & Listed Buildings Officer, where it is set out that the new building would contain a pleasing mixture of rectangular forms and where the planar timber clad walls would be relieved above by a sinuous and undulating monolithic low pitched roof form, covered in a living sedum and green roof material.
22. Notwithstanding the Council's argument that the size and form of the parish centre would not respond to the local area, in my view, the appearance of the building would better reflect the site's wooded context in comparison to the existing parish centre which, although representative of the century within which it was built, does not respond to the surrounding environment in the same way.
23. The building would take on a more contemporary appearance and depart from the traditional building designs that are apparent throughout the conservation area, but I am satisfied that the quality of design and the role of the building as a central component of the community, would deliver a high quality of design that embraces the woodland setting.
24. Indeed, guidance<sup>6</sup> sets out that there is a place for contemporary and innovative architecture or more interesting designs which demonstrate adherence to the basic principle of being in harmony with their site and the surrounding buildings and countryside. Therefore, and altogether, it is reasonable to conclude that the new parish centre would enhance the conservation area's built form.
25. The other buildings proposed are much smaller by comparison and through the use of sensitive materials would generally be inconspicuous within the landscape, as would any associated paraphernalia, especially in the context of the mature boundary features of the site, whilst any views into the site through access points would be limited and fleeting.

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<sup>6</sup> 3.31 of Chilterns Buildings Design Guide 2010



26. Furthermore, the size of the site allows for generous set-backs and separation between buildings, which in conjunction with landscaping, helps maintain a degree of openness without giving rise to a feeling of overdevelopment.
27. Whilst I acknowledge that the new rectory would be sited close to the boundary with North Road I am satisfied that no harm would arise. This is based on the photomontages provided, where it is clear that the visual prominence of the new rectory would be similar to the existing parish centre and mitigated by additional tree planting. Furthermore, although the Council make contentions about a building line, the sporadic nature of buildings along this side of North Road means that an established building line is not readily apparent and therefore one cannot be breached.
28. The proposal would increase the car parking provision at the site. However, it is clear from the evidence before me that there are opportunities to restrict the use of tarmac and white line painting and secure an appropriate surface treatment that is more in keeping with the appearance of the conservation area. For example, securing the use of paving and other materials with greater heritage aesthetic, along with intervening landscaping, would help the larger car park better assimilate into the wooded context.
29. The car park would extend westwards in parallel with The Old Rectory and stables. However, the lack of direct association and screening provided by the mature boundary treatments on this part of the site would mitigate any harm to the setting of these listed buildings.
30. I note the Council's argument regarding light spillage from the larger glazed areas and light and noise would be generated by people and vehicles making use of the proposal's facilities. I am mindful that there is already a baseline of activity and therefore the site is not one of rural tranquillity. Consequently, the potential for harm to the character of the immediate area is significantly reduced. Furthermore, conditions can secure measures to help mitigate potential disturbance by controlling operating hours, noise, and lighting within the grounds and from within the buildings themselves.
31. Whilst the buildings generally preserve and enhance the character and appearance of the conservation area in their own right and in the existing context of the site, I am mindful of the fact that in broad terms the proposal is also supported by a robust landscaping scheme. This would reinforce the woodland appearance of the site and provide additional screening of the proposed buildings, from public land and from the grounds of the Old Rectory.
32. Altogether, the proposal would preserve and enhance the wooded appearance of the site without harming the rural tranquillity and character of the wider conservation area or the setting of the listed buildings adjacent. Furthermore, the loss of existing buildings on site, which make a limited contribution to the conservation area, would not be harmful, and the new parish centre would make a positive contribution to the conservation area.

33. Overall, the proposal would preserve and enhance the character and appearance of the area, including Chesham Bois Conservation Area and the setting of The Old Rectory and stables. In this context, an absence of harm means that an assessment against the public benefits is not required in this case. Accordingly, the proposal would not conflict with Policies GC1, CA1, CA2 and CSF1 of the Chiltern District Local Plan 1997 or Policies CS20 and CS29 of the Chiltern District Core Strategy 2011.
34. Among other things, these development plan policies reflect the statutory duties set out within Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require decision makers to give special regard to the desirability of preserving listed buildings and their setting and pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas, something I have given considerable importance and weight in my assessment.

*Living Conditions*

35. The Old Rectory is a large dwelling on a substantial plot with mature boundary features along its eastern boundary, which provide effective screening from the site. The Old Rectory has a large rear garden area, creating a setback which, in conjunction with mature boundary features along its southern boundary, provides effective screening from the existing rectory's garden area. Consequently, whilst there are glimpses through the mature boundary features along the southern boundary, the outlook of occupiers at the Old Rectory is largely self-contained.
36. It has already been established that the baseline of activity at the site does not give rise to a feeling of rural tranquillity. Consequently, the potential for disturbance, including from lighting and noise generated by the movement of people and vehicles already exists to some degree. In practice, much of this potential disturbance is already mitigated by the mature boundary features surrounding the Old Rectory.
37. Indeed, the existing movement of people and vehicles is in very close proximity to the eastern boundary of the Old Rectory, and no significant reports of complaints regarding this current relationship have been referred to in the evidence before me.
38. The proposal would deliver new buildings of a similar multifunctional use. Consequently, the activities and movement of people and vehicles would be of a similar nature. The new parish centre would be set back from the Old Rectory's eastern boundary and the majority of activity would be concentrated further away as a result, representing an improvement over the siting of the existing parish centre.
39. The car park would be adjacent to the eastern and southern boundaries of the Old Rectory. However, robust landscaping proposals would eliminate glimpses through existing mature boundary features, which in conjunction with hard landscaping such as fences and gabion walls would be effective in mitigating potential disturbance caused by vehicle headlights, among other things.

40. The car park would also be larger, but the majority of additional spaces would be set back to the south of the site. Consequently, in a similar scenario to the revised siting of the new parish centre, the majority of activity would be further away as a result and potential sources of disturbance such as the opening and closing of vehicle doors and vehicle manoeuvring would be limited by distance, intervening mature boundary features and hard landscaping.
41. Altogether, the existing baseline of activity at the site, in conjunction with sensitive siting and enhanced landscaping, would help control the effects of any modest intensification of the use. Furthermore, I am mindful that conditions can provide additional mitigation. For example, by controlling operating hours, noise, static lighting direction and intensity.
42. Overall, the proposal would not harm the living conditions of neighbouring occupiers and would not conflict with Policy GC3 of the Chiltern District Local Plan 1997.

#### *Highway Safety*

43. The existing parish centre access off of Glebe Way is only wide enough for a single vehicle. However, there is no evidence that the access does not safely accommodate the intensity of traffic generated by the existing use. For example, there is no evidence of accidents, indiscriminate parking along Glebe Way, or other such data to indicate that the existing access arrangements are unsafe.
44. Intensity of traffic would increase under the proposal. However, it is clear from the evidence before me that the existing access is to be widened so that two vehicles would be able to pass safely, whilst trip generation data suggests there is sufficient capacity on the highway network and parking provision on site to accommodate the additional vehicle movements. A travel plan could also be secured by condition to provide additional mitigation and encourage a shift to more sustainable forms of transportation.
45. The proposal's visibility splays could be achieved in perpetuity in accordance with Manual for Streets. These could be secured by Grampian style condition, and I am satisfied that there is a process to seek permission to undertake works on common land in order to overcome potential barriers to implementation and allow the condition to be complied with within the time limit of any planning permission.
46. The secondary access to the site which currently serves the existing rectory has limited movements. Consequently, whilst it would close to vehicles under the proposal, benefits relating to the reduction of vehicle conflicts and highway safety improvements would also be limited.
47. Overall, the proposal would not harm highway safety and would not conflict with Policy TR2 of the Chiltern District Local Plan 1997 or Policy CS26 of the Chiltern District Core Strategy 2011.

#### **Other Matters**

48. A significant number of interested parties made representations in response to the original application and to this appeal. Generally speaking, many of the matters raised relate to the main issues dealt with earlier in the decision. I comment below on other matters raised.

49. There is no evidence before me that community dissatisfaction in and of itself would make the proposal unviable or that this should be a factor weighed in the balance in this particular case.
50. The proposal is supported by an energy statement, among other things, and I am satisfied that those matters relating to climate change have been adequately addressed.
51. Whilst the wider common may be accessible to the public, and provides valuable open space in this context, it is clear that the site is private land without public access benefits.
52. Thames Valley Police made representations on design safety but there is no evidence that the area suffers from higher crime rates. Furthermore, there is a clear strategy for separating publicly accessible areas and those which can be kept private and secure.
53. On 9 November 2021, the Environment Act 2021 (c. 30) (the Act) received Royal Assent. The purpose of the Act is to make provision for targets, plans and policies with the intention of improving the natural environment, including provisions for a mandatory biodiversity net gain objective.
54. The objective is met when the biodiversity value attributed to the development exceeds the pre-development value of the onsite habitat by at least 10%.
55. However, it is clear that the Act is primary legislation and provisions relating to this objective require secondary legislation before coming into force and, in any event, biodiversity enhancements could be secured by condition.

**Conclusion**

56. Whilst the proposal would preserve and enhance the character and appearance of the area including Chesham Bois Conservation Area and the setting of The Old Rectory and stables and would also be acceptable in relation to living conditions and highway safety, there is insufficient evidence to conclude that it would preserve the integrity of the Chilterns Beechwoods SAC.
57. Given the international importance of these sites, harm in relation to such matters carries overriding weight under the appeal. As such, the proposal would conflict with the development plan as a whole. Furthermore, the Framework and the Habitats Regulations are clear that planning permission must not be granted given the circumstances that are present in this case and the appeal must be dismissed.

*Liam Page*

INSPECTOR